



10 January, 2015

The Appeals Convenor  
Level 22 Forrest Centre  
221 St George's Terrace  
PERTH  
WA 6000

Dear Madam,

**Appeal against the Granting of a Clearing Permit -**

**ABN Developments Ltd, Purpose Permit, Lot 1808 on Deposited Plan 108469, Lot 1876 on Deposited Plan 131371, Lot 2294 on Deposited Plan 124824 and Lot 5889 on Deposited Plan 208236, Bullsbrook, City of Swan, agriculture, 73.05 ha, permit duration 22 January 2015 to 22 January 2020, (CPS 5981/1)**

**Advertised in *The West Australian* of 29/12/2014**

The Urban Bushland Council presents the following Appeal in relation to the abovementioned Granting of a Clearing Permit as advertised in *The West Australian* of 29 December, 2014.

The UBC notes that whereas the Granting of the Clearing Permit was advertised on 29/12/2014, the abovementioned newspaper advertisement states that Appeals must be lodged "within 21 days of 23/12/2014." In our view it would be preferable for the "21 days" to commence from the date of the newspaper advertisement i.e. from 29/12/2014 as we can hardly lodge Appeals against decisions which have not been made public in any conventional sense and of which we have no awareness.

The Urban Bushland Council has been calling for the cessation of the clearing of native vegetation and habitat on the Swan Coastal Plain for about two decades. Western Australia is only relatively recently settled by non-indigenous cultures and has had opportunities to retain native vegetation and habitat around urban centres that have not been available to most cities for centuries. Historically, Perth and the Swan Coastal Plain generally could have been planned with a view to protecting representative and viable tracts of its unique and beautiful natural heritage alongside

agricultural and urban development but it was not and now we have a greatly altered and ecologically impoverished landscape that requires urgent attention if it is not to become even more of an ecological desert in the future. Regrettably, despite rearguard attempts on the part of the government inherent in the System 6 and Bush Forever initiatives to recover the situation somewhat and retain some native flora and fauna habitat in and around Perth, the exceedingly disappointing lack of will to implement these plans properly on the part of government, along with their ecologically baseless emphasis on the concept of ‘regionally significant’ bushland, has left Perth with a poor reserves system that does no justice to future generations who may well be a good deal more environmentally enlightened than those of today. The UBC opposes the use of so-called offsetting processes as they lead to a net loss of habitat in circumstances where various species and communities are desperately short of viable habitat already. The UBC wants an end to the clearing of native vegetation on the Swan Coastal Plain. This is the only viable ecological option. This is the general disposition of the Urban Bushland Council when it comes to addressing the matter of an applicant being Granted Permission to clear 73.05 hectares of native vegetation in Bullsbrook. The Appeal will address the granting of the Permit in light of the 10 Clearing Principles under Section 510 of the EP Act.

**a) Native vegetation should not be cleared if it comprises a high level of biological diversity.**

As there is no detailed site-specific biological survey data of which we are aware, our comments can only relate to the general area in which native vegetation subject to this Appeal lies. We have perused a biological survey document relating to the general area – that being the *North Ellen brook Level 2 Flora and Vegetation Survey* (360 Environmental 2014). The UBC referred to this document in preparing a submission for an EPBC Act assessment last year (EPBC 2014/7120). We have also referred to relevant *Bush Forever* documents – especially *Volume 2 - Directory of Bush Forever Sites* (2000). It would be preferable to have more site-specific information available but since it is not available to us, we would expect assessors to err on the side of caution and assume various endangered species or communities might well be present and act accordingly. Of course, in such a large area containing so much bushland it would be difficult to rule out the presence of rare plant species that occur in similar habitats in the general vicinity and unthinkable to rule out the possibility that more mobile threatened fauna species might utilise the subject area from time to time.

It is our understanding that much of the bushland subject to the Permit is in reasonably good condition and that some of it is in excellent condition. In such an area that is away from suburbia and which has very large tracts of bushland in the vicinity it would be highly unusual if the native vegetation did not “comprise a high level of biodiversity.” Not only is the bushland extensive and in generally good condition but is also includes wetland habitat which further increases the capacity of the area to support a high level of biodiversity.

As the area includes Banksia woodland – a vegetation type the UBC and others have been trying to have classified as a TEC – it would undoubtedly provide habitat for

many species of nectar feeding birds as well as the Rare and Endangered Carnaby's Black Cockatoo. We would expect this area to provide habitat for bird species which are becoming rarer and rarer in bushland remnants on the Swan Coastal Plain closer to inner Perth – such as the Western Spinebill and the Tawny Crowned Honeyeater. On-going clearing in the urbanised parts of Perth seems to be pushing available habitat below a threshold and they are simply not appearing in the numbers they were two decades ago. Numerous other species are in decline around the city and it appears to be mostly attributable to habitat loss.

The remaining strongholds for such species on the outer fringes of the city, or just beyond, will be vitally important in ensuring they are not lost to the Coastal Plain entirely. Of course, there is a problem with populations no longer travelling up and down the Plain as they obviously once did. Issues of genetic isolation may arise with the city simply becoming one giant ecological barrier. The UBC vehemently opposes the clearing of urban bushland for this reason – along with many others. What we do know from many years of observation and experience in the field is that habitat reduction and isolation inevitably reduces biodiversity. While habitat remnants such as the areas subject to the Clearing Permit remain, there is an increased possibility that reasonably high levels of biodiversity can be sustained at least somewhere on the Coastal Plain. But as available habitat areas contract – through the granting of Clearing Permits such as the one subject to this Appeal – it becomes more and more probable that overall biodiversity will continue to decline.

The UBC is entirely accustomed to reading assessments to the effect that “other such vegetation and habitat occur elsewhere,” but it is nonsense argument when considering the overall ecological health of the Swan Coastal Plain. The Plain has been very heavily cleared of native vegetation. Many fauna species have become extinct on the Plain. Many species of fauna are in decline on the Plain. The extent of native vegetation on the Plain is continuing to decline and that which is left is subject to more and more threatening processes – dieback, weeds, fire, exotic predators and so forth.

In that context the clearing of 73.03 hectares of native vegetation in an area that is known to exhibit high levels of biodiversity is unacceptable and clearly at variance to the Principle stating that, “Native vegetation should not be cleared if it comprises a high level of biodiversity.” The fact that the proposed usage of the land is for “grazing and pasture” (Clearing Permit Decision Report DER) makes the issuing of a Clearing Permit even more extraordinarily inappropriate. The UBC is accustomed to the pressures bearing on native vegetation by such forces as urban expansion and the construction of major roads and infrastructure but there is hardly any shortage of grazing land in Australia and the opening of one more parcel thereof can hardly be said to serve any major public good.

The area subject to the Clearing Permit is not greatly distant from Bush Forever Site 399 (Melaleuca Park and Adjacent Bushland, Bullsbrook/ Lexia) – indeed it is connected to the same by substantial areas of native vegetation. Accordingly, ignoring existing lines on maps or legal boundaries, there is no good environmental reason why

this parcel of bushland should not have been included in Site 399. The “diversity” and “rarity” of this Site is referred to in the *Volume 2 Directory of Bush Forever Sites* (2000) and mention is made of it having a “good assemblage of insectivorous birds including the Splendid Fairy-Wren and nectarivorous birds” (p. 217). The Permit area might not have all the ecological attributes of the larger Site 399 but it could be expected to have many thereof – including a high level of biodiversity.

The Urban Bushland Council strongly opposes the Granting of the Clearing Permit in that it clearly is at variance to the Clearing Principle stating that, “Native vegetation should not be cleared if it comprises a high level of biodiversity.”

The acquisition of another parcel of land on the Swan Coastal Plain does not address the overall problem of ecological deficit and it is not an acceptable compensation for the loss of the 70.05 hectares of existing native vegetation.

**b) Native Vegetation should not be cleared if it comprises the whole, or part of, or is necessary for the maintenance of, a significant habitat for fauna indigenous to Western Australia.**

The granting of the Clearing Permit is clearly at variance to this Principle. Threatened species that have been recorded in the local area include Carnaby’s Black Cockatoo, Baudin’s Black Cockatoo, the Chuditch, and the Southern Brush-tailed Phascogale. It is nonsense to suggest that reducing the total habitat area available to these species does not represent a further threat to their survival. But besides these species, which are under serious threat of eventual extinction, there are many species of birds and reptiles and insects which have not made it onto any Priority Lists which are affected by the clearing of such large parcels of habitat. These are the species probably destined for that dubious honour through the continuing erosion of their available habitat.

It appears to be the vision of DPaW that the remaining native habitat areas on the Swan Coastal Plain will be arranged into discreet parcels - preferably under its management. It appears to have little grasp of the ecological importance of smaller local remnants, little grasp of the importance of remnants in urbanised areas, and little grasp of the need for wildlife corridors and linkages. There are linked – or at least loosely linked - tracts of native vegetation in the general vicinity of the area subject to the Clearing Permit which currently provide substantial blocks – or at least pockets - of habitat for a wide range of native fauna species. These remnants have had no particular conservation status officially conferred on them and they may exhibit various levels of disturbance but that does not change the fact they are exceedingly important for the maintenance of regional fauna populations. It is the UBC’s view that their loss is environmentally unacceptable. It is our view that it is not the time to be building a “conservation estate” at the expense of native vegetation that happens to be on private land. It is too late for that. The existing native vegetation has to be protected and become part of “the conservation estate.” If native fauna populations on the Swan Coastal Plain were not in serious decline the UBC would not make such a claim.

**c) Native vegetation should not be cleared if it includes, or is necessary for the existence of, rare flora.**

The UBC assumes no rare flora species have been found on the site subject to the Clearing Permit as there is no information to this affect associated with the Application of which we are aware. We would make the point that only detailed site-specific flora surveys carried out over several years could establish this point satisfactorily for such a large area – especially considering rare flora species have been found in the vicinity.

**d) Native vegetation should not be cleared if it comprises the whole of part of, or is necessary for the maintenance of a threatened ecological community**

The UBC assumes no threatened ecological communities have been found on the site subject to the Clearing Permit as there is no information to this affect associated with the Application of which we are aware.

**e) Native Vegetation should not be cleared if it is significant as a remnant of native vegetation in an area that has been extensively cleared.**

The Urban Bushland Council regards the Swan Coastal Plain as having been “extensively cleared.”

The Clearing Permit Decision Report states that 39% of the Pre- European native vegetation existing on the Swan Coastal Plain remains extant today. The Clearing Permit Decision Report has it that 33% is in DPaW managed lands. This has the unfortunate appearance of claiming that 33% of the original extent of native vegetation on the Swan Coastal Plain is now in DPaW managed lands. This is, of course, not the case, and we must assume it means 33% of the remaining 39%. In any case the Perth Biodiversity Project has it that only 33% of the original native vegetation on the Swan Coastal Plain currently remains and 12% of the original extent of native vegetation on the Swan Coastal Plain is currently in DPaW managed lands (2013).

The Clearing Permit Report has it that 44% of the original native vegetation extant in the Shire of Swan remains and that 29% is in DPaW managed land. The problem here is that the Shire of Swan extends well into the Darling Scarp. Our information, from the Perth Biodiversity Project, is that 27% of the original native vegetation on the Swan Coastal Plain portion of the Shire of Swan remains, and that only 1.5% of that is formally protected.

In any case, references to percentages of the original extent of native vegetation existing on the Swan Coastal Plain are a little misleading as large areas of this remaining vegetation is constituted of near-coastal vegetation north of Perth – eg Quindalup Dunes type.

The Yanga Vegetation Complex is under the 30% threshold and poorly conserved anyway.

The Clearing Permit is clearly at variance with the clearing Principle which states that, “Native vegetation should not be cleared if it is significant as a remnant of native vegetation in an area that has been extensively cleared.” The area should, therefore, be protected.

**f) Native Vegetation should not be cleared if it is growing in, or in association with, an environment associated with a watercourse or wetland.**

There are clearly watercourses associated with this Clearing Permit and it is our view that simply retaining some limited riparian vegetation does not constitute adequate environmental protection for their values. Creatures such as frogs may breed in water, and require water, but they also need adjacent vegetation in which to feed. Ideally, watercourses and wetlands should be located in a reasonably natural setting. In the Clearing Permit Report they appear to be treated as something entirely separate from the surrounding habitat. Here we have watercourses and nearby wetlands that complement the environmental values of the existing bushland. These wetlands and watercourses may be degraded or badly disturbed but restoring wetland environments is not impossible and it is a good deal easier than rehabilitating drier sites.

The Clearing Permit is clearly at variance with the Principle which states that, “Native vegetation should not be cleared if it is growing in, or in association with, an environment associated with a watercourse or wetland.”

**g) Native vegetation should not be cleared if the clearing is likely to cause appreciable land degradation**

The UBC would expect land degradation could occur in association with the Clearing proposal. The “leached sand” would be prone to wind erosion and the natural drainage could cause erosion in higher rainfall incidents or periods. It would be our expectation that “leached sands” would allow nutrients from fertiliser and animal waste to enter both groundwater and surface drainage systems – thereby possibly causing eutrophication problems. We would regard the area as part of the larger Ellen Brook catchment and we are of the view that natural bushland is a far better environment for protecting soil and water quality than land cleared and used for agricultural purposes.

It is our view that the Permit may well be at variance with the Clearing Principle stating that, “Native vegetation should not be cleared if the clearing is likely to cause appreciable land degradation.”

**h) Native Vegetation should not be cleared if the clearing of the vegetation is likely to have an impact on the environmental values of any adjacent of nearby conservation area.**

The UBC is of the strong view that the Clearing Permit is at variance with the abovementioned Principle. There are numerous high conservation value remnants in the general vicinity and some in close proximity. The site provides additional habitat resources such as food and shelter and forms something of a buffer for such important areas as Bush Forever Site 399. The wetland to the near north (Bush Forever Site 298) would clearly have its environmental values enhanced by having such a large bushland remnant in such close proximity. More species of fauna would utilise the site than would occur if it were to be isolated in cow paddocks. The wetland environment would complement the ecological values of the larger expanse of bushland and vice versa. It is our view that having a patchwork or mosaic of remnant habitat areas having slightly different environmental attributes is likely to be more conducive to accommodating a good range of fauna species than having farmland abutting conservation reserves. We cannot see how the environmental values of any reserve would be enhanced by clearing native vegetation in its vicinity. It would appear obvious to us that additional habitat resources could only enhance the values of nearby reserves. Furthermore, fire is an ever-present threat to these bushland areas in the warmer months and any additional refuges that might remain unburned in major bushfire incidents would be exceedingly valuable.

We are aware that Bush Forever sites are not necessarily formal conservation reserves but we are of the very strong view that they should be so designated. The UBC is of the strong view that the clearing of such a large parcel of native vegetation in the vicinity of other reserves is at variance with the Principle stating that, "Native vegetation should not be cleared if the clearing of the vegetation is likely to have an impact on the environmental values of any adjacent or nearby conservation area

**i) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause deterioration in the quality of surface or ground water.**

We regard the area as being part of the larger Ellen Brook catchment. The actual clearing may mobilise sand through wind and erosion processes. The proposed usage of the land is probably of more concern. Infertile, leached sands do not seem ideal for agriculture and the use of fertilisers in an area that contains wetlands and watercourses would not be desirable. Animal waste and fertiliser could be expected to leach through the sand to the ground water. The UBC was of the view that the WA Government was interested in protecting water quality on the Gnangara mound but perhaps this is not the case. Runoff and ground water in the area probably finds its way into the Ellen Brook system and an increase in nutrient loading in an already overloaded system would be undesirable.

The UBC is of the view that the Clearing Permit might well be at variance with the Clearing Principle stating that, "Native vegetation should not be cleared if the clearing of the native vegetation is likely to cause deterioration in the quality of surface or ground water."

**Conclusion**

The Urban Bushland Council is exceedingly concerned about large scale clearing operations still being approved on the Swan Coastal Plain and the loss of 73.05 hectares of native vegetation in Bullsbrook is an environmental impact we find unacceptable.

Yours faithfully

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President

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