



13 September 2019
Due 4 October 2019

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Appeal against the granting of a clearing permit - CPS 8116/1, Shire of Capel:

Boyanup Road West reserve, Boyanup,

Boyanup Road West road reserve Elgin,

Boyanup Road West road reserve PINs listed and Statham.

For the purpose of road widening.

General comment: The UBC appreciates that in this highly cleared landscape, trees have been so far protected to a limited extent along roadsides. The UBC does not accept the argument that the vegetation is degraded therefore the roadside vegetation may be cleared, or that areas in the vicinity offer greater opportunities for species, therefore clearing can be made along roadsides. It was noted in the Clearing Permit document (p 5), that the application 'occurs within an extensively cleared area and contains Heddle vegetation complex 'Guilford Complex' which is poorly represented.'

We contend that alternative measures can be taken that protect roadside vegetation while at the same time making the road safer for drivers.

The fact that the applicant reduced the clearing footprint size from 18.21 ha to 2.21 ha after being advised by DWER that the proposed clearing had the potential to result in environmental impacts to

- Conservation significant flora;
- TECs; and
- Conservation significant fauna

is an indication that the applicant has no appreciation of the values of the vegetation and significant fauna. The officer who granted the clearing permit concedes that 'some of environmental impacts listed' (dot points above) are minimised by the contraction of the clearing proposed. Minimised, but still, an environmental impact.

The table below includes the assessor's assessment and the Urban Bushland Council's assessment.

Principles	Clearing Permit decision	UBC position
Principle (a) (biological diversity)		
Principle (b) (fauna)	May be at variance	Seriously at variance
Principle (c) (rare flora)		
Principle (d) (TEC)		
Principle (e) (area extensively cleared)		
Principle (f) (watercourse or wetland)	At variance	At variance (agree)
Principle (g) (land degradation)		
Principle (h) (adj or nearby conservation area)	Not at variance	At variance.
Principle (i) (water)		
Principle (j) (flooding)		

Grounds of appeal

(1) As the proposed clearing is considered by the assessor as at variance to Principle (f) (water course or wetland) and may be at variance to Principle (b) (fauna), the UBC considers that the Clearing Permit should not have been granted. The UBC considers that the proposal is seriously at variance to Principle (b) and is at variance to Principle (h). The reasons for UBC's opinion are given below:

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

The assessor has concluded that the proposed clearing may be at variance to this principle.

The UBC is concerned about the impact of the proposed clearing (i) on black cockatoo species and (ii) on the brush-tailed phascogale.

(i) Black cockatoos: DWER and the Natural Area surveyor noted that the application area provides foraging habitat for black cockatoos and contains evidence of chewed marri nuts by Forest Red-tailed Black Cockatoos. The UBC cannot accept the rationalisation provided for the case that the proposed clearing will be inconsequential to black cockatoos, viz: low quality because of the segmented nature of clearing over a distance of 10.3 km and degraded vegetation.

All food resources are important for black cockatoos. The decline of Carnaby's Cockatoo of 35% between 2010 and 2016 reflects the extent of land clearing in the SW of Western Australia. (Birdlife 2019 Great Cocky Count Report advice 26 September 2019).

As a confirmed Carnaby's Cockatoo breeding site ~ 3.7km south of the application area is present, all feeding trees are important within the vicinity of the breeding site. DWER noted that trees within the road reserve are of 'an appropriate size for breeding purposes.' (p 6). These appropriately sized trees should be given the opportunity of becoming older and possibly developing hollows.

(ii) Brush-tailed Phascogale

Residents have 'described sightings of a small brush-tailed mammal crossing the road that is consistent with that of the brush-tailed phascogale', so these phascogales are considered present in the application area. Mechanical tree and vegetation removal will either kill those present immediately or in further days. Arguing that the size of the proposed clearing, its narrowness and linear configuration and segmentation over 10.3 km, is not likely to represent a significant impact, cannot be accepted when the phascogales are likely to be impacted.

Therefore this is grounds for the Clearing Permit to be refused.

(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 or nearby conservation area.

The assessor has concluded that the proposed clearing is not likely to be at variance to this Principle.

The UBC believes that the proposed clearing is at variance to this Principle.

The assessor states that the application area is 'likely to act as an ecological linkage that facilitates the movement of fauna across the landscape, possibly connecting Tuart National Park in the west to the Boyanup State Forest and an unnamed nature reserve in the east.' (p 10) The proposed clearing will diminish this ecological linkage, therefore having an impact on adjacent or nearby conservation areas. Thus, the UBC believes that the proposed clearing is at variance to this Principle.

(2) CLIMATE CHANGE:

We are in a climate emergency where the future of life on earth is threatened and transformative change is needed. For the first time in recorded history, levels of CO₂ in the atmosphere have risen to over 400ppm. Trees absorb CO₂ and the cumulative effect of clearing is significant. The UBC submits that all native vegetation should be retained, protected and restored, and must not be cleared.

Conclusion:

The UBC urges the proponent to consider means other than clearing roadside vegetation to manage road safety. Other countries in the world and other areas in Australia manage road safety without clearing trees and vegetation.

The UBC submits that our appeal on two grounds against CPS 8116/1 covering Principles (b) and (h), and the impact of cumulative clearing on climate change, be upheld by the Minister and that the Clearing Permit be refused.

With thanks

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