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## **Appeal against CPS 8478/1 Shire of Gingin - Orange Strings Road**

Dear Appeals Convenor

The Urban Bushland Council WA Inc appeals against the granting of a clearing permit to clear up to 2.13 hectares of native vegetation over the length of 17.4 km along Orange Springs Road in the Shire of Gingin. The purpose of road upgrades is variously described as:

- to undertake a significant upgrade to the road which is supported by grant funding (Flora Report Ecoedge)
- for safety upgrades which is an integral transport link for lime to the wider agricultural region of WA (Application form)

The UBC read that 'the Shire of Gingin has been successful in securing \$5.2 million of united funding from the State Government to upgrade as much of Orange Springs Road as possible.' (15 August 2019 Shire of Gingin). We do not understand what 'united funding' means.

Tenders for the road upgrade have already been called for.

The UBC appreciates that to avoid delays there may be some overlap in steps in the processes for road improvement, but we think that applications for clearing would be one of the first steps rather than one of the last. The impression is gained that the process of applying for a clearing permit is a technicality, assumed by the proponent and the grant giver (the State) that clearing approval is a given.

Given also that between 2016 and 2018 only three of the 231 clearing permit applications were denied, (Questions and answers in the Legislative Council 15 October 2019), the system is not working to protect habitat and species. The UBC submits that tree removal of mature trees, as well as part of a TEC and also native vegetation, are given little respect.

The environmental consultant for flora – Ecoedge (2019) – and for fauna – Harewood (2019), considered that the Orange Springs Road proposal:

- may be at variance with clearing principles (a) (biological diversity), (f) (associated with a watercourse or wetland) and (h) (impact on the environmental values of any adjacent or nearby conservation reserve) and
- will be at variance to principle (d) (TEC)

However the assessor considered that the proposed clearing:

- may be at variance with principle (h) and

- is not likely to be at variance with any of the remaining clearing principles.

## Grounds of appeal

1.) **Alternatives.** There must be alternatives, that allow the road to be upgraded, without the removal of 15 mature habitat trees along the 17.2km length of road. If the applicant has committed to designing the road to avoid impacts to priority flora species *Dodonaea hackettina* (P4), *Isopogon panduratus* sub sp *palustris* (P3) and *Calytrix ecalycata* subsp. *Brevis* (P3) and that no clearing will occur within 10 metres of individuals of any of these three species, (p5 Report) it should be possible to protect the trees by avoiding mature tree clearing.

## 2.) **Carnaby's Cockatoo. Clearing Principle (b) (significant habitat for fauna)**

- The UBC does not accept that two types of Banksia Woodlands – *Eucalyptus todtiana*-*Banksia attenuata* -*B. menziesii* woodland and *Banksia attenuata* -*B. menziesii* woodland must be cleared. We believe that as there is evidence of Carnaby's cockatoo foraging along the Orange Springs Road, that habitat is significant for this endangered species.

Both DWER and Ecoedge note that there is evidence of foraging (chewed Coastal blackbutt nuts and banksia cones) by Carnaby's cockatoo occurring within the application area (p 6 Assessor's report quoting Ecoedge 2019b). The assessor agrees that the type of vegetation to be cleared (2.10 ha), that is 'either *Eucalyptus todtiana*-*Banksia attenuata*-*B. menziesii* woodland or *Banksia attenuata*-*B. menziesii* woodland' is foraging habitat. Then the assessor states that 2.10 ha of foraging habitat for Carnaby's cockatoo ..... '*will not have a significant residual impact on the availability of other foraging sources within the local area*' and that '*large sections of the application area comprising of regrowth vegetation*', therefore '*having a lower foraging value than other areas of better quality habitat outside the application area*'.

The UBC recalls the advice of Denis Saunders from some years ago, that at that time, and obviously to the present day, every banksia tree is significant to Carnaby's Cockatoos.

*'The importance of Banksia woodland habitat for Carnaby's cockatoo has been demonstrated through foraging studies, which determined that Carnaby's cockatoo exploit all areas of available Banksia food resources on the Swan Coastal Plain (Johnson et al., 2016)'. ('EPA Technical Report – Carnaby's cockatoo in Environmental Impact Assessment in the Perth and Peel Region Advice of the EPA under Section 16 (j) of the Environmental Protection Act 1986' May 2019)*

- 15 trees within the survey area are planned for removal. All of the 15 trees are considered 'habitat trees, having a DBH of > 50 cms', and two contained one or more hollows, none considered suitable for black cockatoo nesting. (Fig 3 Ecoedge). Habitat trees may have taken 100 years or more to grow and are irreplaceable, so should not be cleared. Surely it is within the compass of Main Roads to design an upgraded road that protects mature habitat trees for an endangered species in decline.

## 3.) **Banksia Woodlands TEC.**

- 2% of the Banksia Woodlands within the proposal is a TEC and therefore should not be cleared. The explanation given by the assessor (Clearing Principle (a) pp 5 and 6) is that '*the portion of the TEC mapped within the application areas forms part of a broader area of the mapped TEC to the north and south of the application areas which meets the criteria as being representative of the TEC. The mapped TEC is over 50,000 hectares which includes sections within the application area. Notwithstanding, noting the size of the mapped TEC that occurs within the*

*application area and that this has been previously disturbed through the initial road construction, the proposed clearing is unlikely to have a significant residual impact on the remaining occurrence of this TEC in the local area.'*

- It appears that the assessor has not taken note of Ecoedge's advice that 2.11ha of the proposed clearing comprises 'an occurrence of the State listed Priority 3 ecological community – FCT 23b 'Northern Banksia attenuata – Banksia menziesii woodlands'. 1.2 ha of this community 'is classed as an occurrence of the Federally protected threatened 'Banksia Woodlands of the Swan Coastal Plain ecological community'.

From the 'Banksia Woodlands of the Swan coastal Plain ecological community Conservation advice' document, the first of three 'Key approaches to achieve the conservation objective' - that is 'to mitigate the risk of extinction of the Banksia Woodlands of the Swan Coastal Plain ecological community, and help recover its biodiversity and function' - is 'PROTECT the ecological community to prevent further loss of extent and condition' (p 33 Conservation Advice). The proposed clearing in the current proposal is to clear, not Protect.

The Banksia Woodlands of the Swan Coastal Plain is an endangered ecological community so there is no justification for clearing.

**4.) Cumulative impact.** The cumulative effect of roadside clearing is not recognised in the process of application for clearing permits. Whilst the Appeals Convenor may only investigate the clearing before it in each instance, we urge the Department to put the issue of cumulative clearing before the minister.

**5.) Moore River Vegetation Complex. (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.**

In relation to this clearing principle, we draw the Appeals Convenor's attention to Table 1 in the assessors Report (p8). Although the assessor states that 'the current vegetation extent for mapped Heddle vegetation complexes are above the 30 per cent recommended threshold;' the current extent of the Heddle Vegetation Complex for Moore River in DCBA Managed Lands is but 1.5%. (34.5% remaining).

This extremely serious decline should preclude any further clearing.

## **Conclusion**

The UBC submits that our Appeal on 5 grounds against CPS 8478/1 be upheld by the Minister and that the Clearing Permit be refused.

We request the opportunity to meet with you to discuss this Appeal.