

Due 13 Sept 2019?



10 September 2019

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Appeals Convenor
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PERTH 6000

CPS 8151/1: - 0.42ha Wandering-Narrogin Road reserve Cuballing near the intersection with Turners Road – 50 trees and 0.42 ha.

Dear Appeals Convenor

The Urban Bushland Council WA Inc wish to appeal against the decision granting Clearing Permit CPS 8151/1. The decision was made 3 August 2019 and the proposed clearing is for road widening for road safety.

The Proposal if implemented would see

- the loss of 0.16 hectares of Eucalypt Woodlands of the Western Australian Wheatbelt threatened ecological community
- the loss of 0.42 hectares (50 trees) that are significant as a remnant of native vegetation in an area that has been extensively cleared. (Decision Report)

The assessor determined that the proposed clearing is at variance to principles (d), (e) and (f) and may be at variance to principle (h).

The UBC considers that the proposal is seriously at variance to principles (d) and (e), at variance to (b), (f) and (g) and may be at variance to (h)

Principles	Clearing permit decision	UBC position
(a) Diversity	Not likely	-
(b) Fauna	Not likely	At variance
(c) Threatened flora	Not likely	-
(d) TEC	At variance	Seriously at variance and cannot be offset.
(e) Area extensively cleared	At variance	Seriously at variance and cannot be offset.
(f) Water course or wetland	At variance	At variance
(g) Land degradation		At variance
(h) Nearby conservation area	May be at variance	May be at variance
(i) Surface or underground water	Not likely	
(j) Flooding	Not likely	

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The process of the proponent applying for a permit to clear significant trees in a highly cleared landscape, does not fit with recognising the value of the trees.

CLEARING PERMIT PRINCIPLES (in italics)

(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

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

The UBC considers that the proposal is at variance to this Principle.

The Clearing Permit states that in the survey 109 trees within the application area have a DBH of > 300mm with only two containing hollows, one of which could be suitable for black cockatoo nesting, (but no outward signs of being used). Fortunately, this tree *'is located about 10 metres from the existing road centreline'* and *'it is very unlikely to be cleared.'*

The 50 roadside trees proposed for clearing would provide food for black cockatoos - eucalyptus blossom and eucalyptus and allocasuarina seed. The roadside trees would provide cockatoos and other birds with stepping-stones as they traverse the landscape. With cockatoos in decline, the UBC suggests that the roadside trees, the subject of this proposal, are a significant habitat for fauna.

Of the 110 trees identified in the EcoEdge tree survey of the applicable area, all bar two are Wandoo and all, that is 110 trees, have a DBH of >30 cms. These trees have the potential to develop hollows into the future and should all be retained.

The precautionary principle should apply, particularly since alternative ways of making the road safer are available.

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

The assessor states that the clearing is not likely to be at variance to this Principle.

UBC COMMENT: Although wandoo is not listed as threatened, it has suffered through Wandoo crown decline and *'since the 1980s, the dieback of Wandoo has occurred over a wider area than ever before, including much of the western Wheatbelt. They are suffering stress, probably as a result of a drying climate.'* (Robert Powell, Leaf and Branch)

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

The assessor states: *Proposed clearing is at variance to this Principle.*

The UBC states that the proposal is seriously at variance to this Principle and also that the proposed clearing cannot be offset with an offset condition.

According to available databases, the application comprises the Commonwealth listed critically endangered threatened ecological community (TEC) Eucalypt Woodlands of the Western Australian Wheatbelt which is also the State listed Priority 3 ecological community (PEC) 'Eucalypt Woodlands of the Western Australian Wheatbelt' (Wheatbelt Woodlands)'.

Although the area of vegetation that meets criteria for Wheatbelt Woodlands TEC (Unit B¹) covers 0.16ha of the application area, this area is a TEC (Commonwealth) and a PEC (State) and it is therefore very important that it be protected. As the Clearing Permit points out the Avon Wheatbelt has only 2.42% remaining in DBCA managed lands compared with the Pre-European extent.

How is it possible that this amount of clearing has been conducted! Obviously, the State and the community must protect the remaining small areas and work to enhance and increase the extent of the flora of this community.

50 trees (York Gum, Wandoo, Salmon Gum, Allocasuarina spp, Banksia sessilis) are proposed to be cleared. These trees **'are considered significant as a remnant of native vegetation in an area that has been extensively cleared'**. (UBC emphasis)

The UBC notes that 59.8% of the application area was determined by the consultant to be cleared land. The UBC's suggestion therefore is to widen the road in the cleared 59.8% and protect the road with roadside significant vegetation and trees by considering other treatments that will allow the road to be safe for drivers.

(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 assessor states that *Proposed clearing is at variance to this Principle'*.

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

The Clearing Permit states under Principle (e): *'Noting that the application area contains 0.16 hectares of the Wheatbelt Woodlands TEC, the extensively cleared local area and*

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- ¹ Unit B covers approximately 3.4 per cent of the application area, and can be described as Woodland of Eucalyptus wandoo over tall open shrubland of Banksia sessilis over open shrubland including Acacia pulchella, Allocasuarina humilis, Banksia armata, Calothamnus quadrifidus, Gastrolobium obovatum, G. spinosum, Leptospermum erubescens, Santalum murrayanum over very open herbland including Lomandra nutans and scattered Austrostipa hemipogon grass on gravel;

vegetation complexes, and the cumulative effect of clearing within Wandering-Narrogin Road Reserve, the application area is considered a significant remnant.'

'The vegetation within the application area is considered a significant remnant in an area that has been extensively cleared. The proposed clearing is at variance to this Principle.'

This advice is very clear and strong. What immediately follows, viz 'An offset condition will counter balance the residual impacts from the proposed clearing' is remarkable in its audacity. One is left with the realisation that this is an exercise in finessing science and environmental principles for an outcome that purports to be *for public benefit including improved road safety*. The UBC strongly suggests that improved road safety can be achieved through means other than the proposed roadside clearing.

'Noting that upgrades to the road will provide a public benefit including improved road safety, it is considered that the significant residual impacts can be counterbalanced through the conservation of hectares of 1.105 hectares of Crown Reserve 2556 as an offset' (p 1 Clearing Permit).

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

The assessor states that the proposed clearing is at variance to this Principle.

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

We read that the road area is intersected by a minor non-perennial watercourse in the central portion.

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

The assessor states 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 UBC cannot agree with the assessment of not likely to be at variance. Yes, reasons that the shape is linear and the proposed clearing is along an existing road are given as unlikely to impact and degrade land but Table 2 'Risk degradation summary', lists the risk categories viz: wind and water erosion, salinity, subsurface acidification, flood risk, water logging and phosphorous export risk in each of the three soil subsystems (Noombling, Biberkine and Norrine (Dryandra)). In the Noombling Subsystem (Dryandra) (87% of the application area) and the Popanyinning Subsystem (Pumphrieys) (13% of the application area) 10 – 30% of the map unit, *'has a moderate to high salinity risk or is presently saline'*.

The assessor states that *'the mapped soil types do not pose high land degradation risk'* – despite three of the threats for the Noombling Subsystem (Dryandra) – (wind erosion, salinity and Phosphorus export risk) having from 10 – 30% rate of high to extreme risk.

Within the Popanyinning Subsystem (Pumphreys), the severe risk categories all have risks of from 10 - 30%. Surely it would be wise to implement the precautionary principle and avoid the risks. Groundwater salinity in the application area has been mapped as saline at between 7,000 – 14,000 milligrams per litre total dissolved solids.

Already the groundwater is saline and there are other serious risks as stated.

(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 states that the proposed clearing may be at variance to this Principle.

The UBC agrees that as the application area is located adjacent to Fourteen Mile Brook Nature Reserve the proposed clearing may impact on the environmental values of that area (edge effects, weeds and dieback.)

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

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

As quoted above under Principle (g): 'Groundwater salinity in the application area has been mapped as saline at between 7,000 – 14,000 milligrams per litre total dissolved solids'. Our climate is drying and climate change is affecting the south west and wheatbelt of WA and the UBC believes that native vegetation should be protected and enhanced, rather than cleared.

Conclusion

The UBC submits that our Appeal against CPS8151/1 be upheld by the Minister and that the Clearing Permit be refused.

We would like the opportunity to meet with you to further discuss this appeal.

Yours sincerely

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Government of Western Australia
Office of the Appeals Convenor
Environmental Protection Act 1986

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