



19 June 2019

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Appeals Convenor, Office of the Minister for Environment
Level 22 Forrest Centre
221 St Georges Terrace
PERTH 6000

Dear Appeals Convenor

Appeal against the granting of Clearing Permit CPS 7982/1 under S 101A(4) of the EPAct 1986, constructing playing fields and associated infrastructure within the Butler North District.

The Urban Bushland Council wishes to appeal against the granting of clearing permit CPS 7982/1

According to the Department of Environmental Regulations Fact Sheet 16: 'Consistent with this statutory framework, **clearing permit applications are assessed according to the environmental risk**'.

The environmental risk in this proposal for which a clearing permit has been issued is monumental. The site will be completely destroyed - 8.801 hectares - apart from the 1.40 hectare conservation area to the south-west and south of the area on Lot 8210. The extremely narrow strip of conservation bushland will not be able to be protected. The reasons are intrusion of weeds and treatment of grass that may involve application of fertiliser and watering.

A reiteration:

- the bushland is in good to excellent condition
- the bushland is a TEC – Banksia Woodlands of the Swan Coastal Plain – FCT 28, listed as endangered.
- the bushland has high quality foraging habitat for the endangered Carnaby's Cockatoo
- the bushland is approximately 9.5km from a confirmed breeding record of Carnaby's Cockatoo, therefore the bushland is **critical habitat** for this species.
- 'The proposed action is considered likely to have a significant impact on Carnaby's cockatoo....and on the Banksia Woodlands of the Swan Coastal Plain....' (p4 CPS Report)
- the proposal is contrary to the Carnaby's cockatoo Recovery Plan
- the proposed offsets of money for the DBCA to purchase land north of Gingin, east of Badgingarra and 'within the Regan's Ford or Badgingarra Regions' and at Bindoon, do not provide additional habitat for endangered species. The area exists now so purchase does not create additional habitat. Neither are these areas close to suburbs where Carnaby's cockatoo are foraging now.
- the proposal was a Controlled Action under controlling provision 'Listed threatened species and communities' (EPBC Act section 18 and 18A).
- the landscape is highly fragmented. It is acknowledged by the Assessor that the application area may act as a stepping stone for avian fauna. (p 13 CPS doc)

Grounds of appeal

- 1.) **Not assessed for risks to the environment, endangered species and habitat.**

The UBC considers that the granting of a clearing permit for this proposal has been assessed for consideration of the desired outcome – ie the ‘activation’ of the area by creating playing fields and associated infrastructure - rather than for risks to the environment; endangered species and community.

2.) Clearing principles

The UBC does not agree with the Assessor’s assessment on Principles (e), and (g).

- **Clearing Principle (e)**, viz: *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 delegated assessor made the assessment that the *‘Proposed clearing is not likely to be at variance to this Principle’*. The assessor points out that:

- a.) *The National Objective and Targets for Biodiversity Conservation include a target that prevents the clearance of ecological communities with an extent below 30 percent of that present pre-European settlement (Commonwealth of Australia, 2001)*

- b.) *Within ‘constrained areas (areas of urban development in cities and major towns), on the Swan Coastal Plain, the threshold for representation of the pre-clearing extent of a particular native vegetation complex is 10 percent (EPA 2008)’ (p 11 CPS 7982/1)*

The vegetation complex is Cottesloe Complex-Central and South and in the Perth Peel region there is less than 10 percent secure for conservation. The figure is 9.5% as of 2015. (‘EPA Perth and Peel@ 3.5million -interim strategic advice of the EPA to the Minister for Environment under section 16(e) of the EP Act 1986’.) In any event, the target is the minimum amount and the aspiration should be the retention of the maximum area of vegetation possible.

Therefore the proposal is at variance to principle e and should not be allowed.

- **Principle (g)** Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation. The Assessor stated that the proposed clearing may be at variation to this Principle.

Land degradations is a process in which the value of the biophysical environment is affected by a combination of human-induced processes acting upon the land. It is viewed as any change or disturbance to the land perceived to be deleterious or undesirable. (Wikipedia)

Clearing the proposed area almost completely, is land degradation therefore we state that the clearing permit granted should be reviewed. It is seriously at variance to this principle.

3.) Offsetting

The UBC supports the comments of the Assessor as to Principles (a), (b) and (d) but the conclusion drawn in each of these principles viz *‘Taking into account the applicant’s avoidance and minimisation measures.... It is considered that a suitable offset will counterbalance impacts to.....’ (pp 9, 10, 11 ibid)* is neither logical nor ethically correct. The first step in the mitigation hierarchy of biodiversity conservation is to AVOID creating impacts from the outset. The loss expected from this proposal, if implemented, cannot be offset. The proposal is at variance to these principles and therefore a clearing permit should not be granted.

The National Recovery Plan for Carnaby’s Cockatoo ‘outlines actions that are being implemented to improve the conservation status of the species: Protect and manage important habitat including breeding and non-breeding habitat and associated feeding habitats.’ (Parks and Wildlife Service). The cumulative effect of approving most of the development application is not being taken into account.

4.) Australia’s Biodiversity Conservation Strategy 2010-2030 Commonwealth Government

document states that *‘Biodiversity is under threat worldwide. Many scientists consider that the Earth has now entered a global biodiversity extinction crisis (UNEP 2007). That is, they believe that many of the species alive today are under threat of rapid extinction’*. One of the ten five-year strategies is number 4: *‘By 2015, achieve a national increase of 600,000 km2 of native vegetation managed primarily for biodiversity conservation across terrestrial, aquatic and marine environments.’*

As an agency working under the bilateral agreement, the granting of this clearing permit is contrary to the ideals and goals of this strategy.

OTHER

The UBC is very concerned that 'the application area occurs within an Aboriginal Site of Significance' (p13 CPS) No details are given, understandably, but this aspect of the site is of great interest to us.

CONCLUSION

The UBC states that under the clearing principles the proposed clearing is at variance to Principals (a), (b), (d), (e), (g).

The UBC believes that any proposal at variance to even one Principle, should not be granted a Clearing Permit. We are in the middle of an extinction crisis, including the threats and results of climate change and we ask that clearing of Banksia Woodlands cease.

We request that the Assessor review the findings of the Clearing application and reverse the decision made.