



Urban Bushland Council WA Inc
PO Box 326
West Perth WA 6872

Chief Executive Officer
City of Armadale
Locked bag No. 2
Armadale WA 6992
Fax: (08) 9399 0184
Email: info@armadale.wa.gov.au

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Public Comment – Construction of Unmade Stage of Keane Road, Forrestdale

Environmental Assessment Under the EPBC Act 1999 – Ref 2009/5035

Dear Sir/Madam,

The Urban Bushland Council WA Inc. is writing to voice serious concerns relating to the proposal to extend Anstey Keane Road through the Bush Forever Site 342 and the associated, significant environmental impacts, as covered by the Australian government's Environmental Protection and Biodiversity Protection Act 1999

The Urban Bushland Council strongly opposes the construction of any road or other infrastructure and services across Bush Forever site 342. Notably this Bush Forever site is rated by the State Government (DEC, EPA) as being in the top priority for conservation, being in the most species rich portion of the Perth Metropolitan Region (Swan Coastal Plain). We therefore recommend that the proposal not be approved and be totally rejected by the Federal Environment Minister under the EPBC Act.

Our objections and major concerns with this proposal are outlined below.

1. EPBC Act Sections 18 and 18a Listed Threatened Species and Communities

Fauna

Fauna listed under the EPBC Act and relevant to this development proposal include:

- Carnaby's Black Cockatoo. Proposed offsets do not provide additional habitat (and food sources) for this species. Red-tailed Black Cockatoo are not addressed. They have been observed in Forrestdale. DEC have acknowledged the change in their behaviour on the Swan Coastal Plain;

- Graceful sun-moth – although none were sighted during one survey, the presence of this species could not be discounted as the floral species on which they feed (such as *Lomandra hermaphrodita*) is prevalent;
- Rainbow bee-eater – the referral claims that slopes are required for breeding purposes. This is incorrect. Bamford (Attachment 'A', p.34), SEWPAC Species Profile and Threats Database and Morecombe state that this species can nest on flat ground. Bryony Fremlin (pers. comm.) has sighted flocks of hundreds of this species, including juveniles;
- Short-tongued bee *Neopasiphe simplicitor* - two species with a restricted distribution and unique lifecycle in the BF site are acknowledged within the current studies but the impact of the proposed road on them is not assessed and requires further research. *Neopasiphe simplicitor* is listed under the EPBC Act as Critically Endangered.
- The (yet unlisted) "Megamouth Bee" *Leioproctus (Ottocolletes) muelleri*, discovered in December 2010, is new to science, and the only known breeding site for this species is just 200m from the proposed road.

Communities

The listed TEC SCP10a "Herb Rich Shrubland in Claypan" is listed as Critically Endangered under Commonwealth legislation and forms part of the Anstey Keane Wetlands. This TEC has been protected by a designated Bush Forever Area (Site 342) and listing as a Conservation Category Wetland (No. 122).

Bisecting this wetland area and clearing for road construction is contrary to the conservation objectives of the EPBC Act, Bush Forever and Conservation Category Wetland listing for this incredibly biodiverse area.

While the TEC is not within the immediate area proposed to be cleared for the Road there are a number of threatening processes that will arise due to road construction, namely:

- Change in wetland hydrology
- Importation of fill leading to potential sedimentation, weed seed introduction and dieback
- Acid sulphate soil excavation and disturbance
- Road operation brings increased risk of weed seeds, bushfire and pollution
- Increase in the number of utility services that will be installed following road establishment, including excavating for a sewerage line (Page 16 Scoping Document)
- Reduction of ecological connectivity across the wetland.

The very high value of the wetlands and the rarity of TEC SCP10a must be weighed against the value of the proposed road development (stated as a reduction of 2 km off the journey from North Forrestdale to Armadale shopping centre) and the associated negative environmental impacts.

We believe that the nationally and state recognised natural value of the wetlands is of a higher priority than the small reduction in commute distance (11 km to 9 km) that would be achieved by the proposed road development. Indeed it is recommended that the Anstey-Keane Damplands/Wetlands be listed as a 'Wetland of National Significance'. Its values are at least as significant as the listed Brixton Street Wetlands.

2. EPBC Act Section 139, 1 (a) Convention on Biological Diversity, 1992

Australia has ratified the Convention on Biological Diversity, 1992, at the United Nations Conference on Environment and Development (the Rio "Earth Summit"). Australia's Obligations under the Biodiversity Convention (EPBC Act, Section 139 1 (a)) state that "The Minister must not act inconsistently with..." the Convention.

National Biodiversity Strategies and Action Plans (NBSAPs) are the principal instruments for implementing the Convention at the national level (Article 6).

Australia has produced "Australia's Biodiversity Conservation Strategy, 2010–2030", Prepared by the National Biodiversity Strategy Review Task Group convened under the Natural Resource Management Ministerial Council, 2010.

Page 40: Priorities for Action (from: <http://www.cbd.int/doc/world/au/au-nbsap-v2-en.pdf>):

"More detail on implementation arrangements is in the Implementation and action section, which details indicative actions directed at achieving the outcomes and national targets. It also outlines broad expectations for all levels of government and key industry and community sectors in the implementation of the Strategy. The specific mix of actions that will be needed to achieve progress towards the outcomes and targets will vary between regions, industries and jurisdictions depending on local circumstances, challenges and opportunities. The Strategy also recognises that, over time, new actions are likely to be identified to help achieve its aims. The set of indicative actions in the Strategy will be a guide to help align activity nationally. It is intended this process will facilitate innovation while not restricting jurisdictions to a 'one size fits all' approach. Where appropriate, the actions to implement this Strategy should be considered in conjunction with other relevant national, state and territory documents (listed in Appendix 4)."

Appendix 1 of the Strategy outlines the broad "roles and responsibilities of these groups in implementing the Strategy" including State governments and their respective legislation listed in Appendix 4 of the Strategy.

Appendix 4.2a of the Strategy lists the state legislation "to be considered in conjunction with other... documents" to implement the Biodiversity Strategy: Western Australian Wildlife Conservation Act, 1950.

The Threatened and Priority Fauna and Flora have been listed by the Western Australian Environment Minister and are available on the DEC website:

http://www.dec.wa.gov.au/index.php?option=com_content&view=article&id=852&Itemid=2010

While Threatened Communities are not protected via legislation in WA there is "an informal, non-statutory process in place" (DEC website). Threatened and Priority Ecological Communities are also listed by the Minister and are available at the above link.

Flora

The Western Australian Wildlife Conservation Act refers to those species in need of special protection, including the following species:

- Jacksonia sericea (Priority 4) which occurs within the proposed clearing footprint, 0-50 individuals (Attachment 4).
- Stylidium longitubum (Priority 3) occurs “within close proximity” to the clearing footprint (Attachment 4). The details of a buffer zone to protect these individuals is not specified.

Fauna

As previously mentioned the Bush Forever area has a rich biodiversity and many of the fauna species are listed by the Western Australian government as having special conservation status under the Wildlife Conservation Act. Attachment A of the referral documents list fauna species expected to occur in the disturbance footprint and the number of those species with “conservation significance” (page 25, Attachment A):

- Frogs: 10 species
- Reptiles: 50 species (10 with conservation significance)
- Birds: 194 species (33 with conservation significance)
- Mammals: 19 species (9 with conservation significance)

Vegetation Communities

The Western Australian State Government refers to those vegetation communities in need of special protection, including the following (from Attachment 4):

- Priority 2 SCP22 “Banksia ilicifolia woodland” – 0.10 ha of this community is proposed to be cleared, comprising 1.7% of the total community within the study area.
- Priority 3 SCP21c “Low lying Banksia attenuata woodland or shrubland” – 0.55 ha is proposed to be cleared, comprising 6.2% of the total community within the study area.

In summary, the EPBC Act specified that the Minister must (Section 139 1a) act consistently with the Convention for Biological Diversity, which in turn refers to National Biodiversity Conservation Strategies. Australia’s Strategy refers to State legislation, which in this case is the Wildlife Protection Act and associated Notices. There are two flora species listed under this Act that will be adversely affected by the proposed development and two vegetation communities. The proposal to clear these priority species and communities has not been given due consideration in the Referral document.

3. Conservation Category Wetland

The Anstey Keane Wetland was identified by Hill (1996) as a Conservation Category Wetland No. 122. A Conservation Category Wetland is defined by Hill as “those which support high levels of attributes and functions”.

The Department of Water addresses that important of protection for Conservation Category Wetlands in its “Water Quality Protection Note 6” (2006) and the importance of buffer zones to ensure threatening processes are kept at a distance to the wetland. The Note states that “Roads or services may cross buffer zones”, but it does not say that roads may cross the wetlands themselves for obvious reasons.

Under State policy, 'Conservation Category Wetlands' are to be protected and clearing should not be permitted.

4. Biodiversity Hotspot

The Anstey Keane Wetland is located within the Internationally recognised Biodiversity Hotspot of the South-West of Western Australia.

Further recognition of the ecological richness and natural value of this area has been identified in Western Australia’s Bush Forever program, listed as Site 342.

The area has also been registered as a Conservation Category Wetland (No. 122).

The wetland areas is part of a wider community of significant wetlands in the area, including the RAMSAR site No. 481 “Forrestdale Lake and Thomson’s Lake”. Forrestdale Lake is located 1.33 km south of the proposed development and Thomson’s lake is located 9 km to the west. This RAMSAR listed site and the ecological linkages with Anstey Keane Wetland and Jandakot Regional Park have not been adequately described in the referral documents.

5. Current Threatening Processes

The referral Attachment 4 describes the many threatening processes currently impacting upon the biodiversity values of the wetland, including “current and ongoing degradation” by:

- Fire
- Dieback
- Weed invasion (including 3 declared weed species growing in the area)
- Feral animals (foxes, cats, rabbits)
- Interruption of surface water flow
- Off Road Vehicle (ORV) damage
- Rubbish dumping

Still, instead of adding the threat of “native vegetation clearing for development” to the list, as proposed by the AKSL project, the referral documents describe the proposal as providing a benefit to the biodiversity by providing better protection by fencing the new road.

It is logical to assume the best protection for the vegetation would be no land clearing for roads and better management of the Bush Forever site, including monitoring and maintenance of fencing and restricting Off Road Vehicle use.

6. Calculation of Vegetation Condition

There appears to be an error in the calculation of vegetation condition percentages in Attachment 4 (EnviroWorks, 2012) and repeated in the Referral document. These errors falsely describe the vegetation to be cleared as 49.5% “completely degraded”.

From Attachment 4: Table 7 and Figure 7:

Vegetation condition within disturbance footprint (including apparent errors)

Very Good	33.5%
Good	17%
Degraded	0%
Completely Degraded	49.5%

Figure 7 shows the vegetation around the disturbance footprint with a predominance of Very Good or Good condition. It is assumed that the Completely Degraded classification is given to the already cleared fire breaks in the area, which are difficult to see under the hatching on Figure 7.

The fire breaks are more easily observed in the Scoping Document Figures 4, 5 and 6. It can clearly be seen that the fire breaks are not wide and do not contribute to 49.5% of the disturbance footprint (also note that the width of the disturbance footprint increases from 16 m wide in the Scoping Document to 18.4 m wide in the Referral Document).

The vegetation condition should be recalculated to find the source of the error, and to correctly characterise the condition of the vegetation to be cleared. It is a serious and indeed misleading error as it has unnecessarily devalued the vegetation within this precious Bush Forever site.

The error is highlighted by the statement in GHD’s 2006 flora report which stated “Most of the vegetation in the alignment was rated Very Good to Excellent” (Scoping Document, page 40).

In summary, the referral indicated 49.5% of the vegetation to be cleared is classified as Completely Degraded while mapping in the Scoping Document appears to indicate more than 75% is either Very Good or Good Condition (<u>less than</u> 25% “Completely Degraded” fire breaks). Scoping Document Figures 4, 5 and 6.

7. Hydrogeology

The references used in the proponents' hydrogeological review all refer to high-level regional water-balances; the proponent fails to assess local impacts of the proposed road development, fill material and stormwater swales on the EPBC listed TEC claypan which is immediately adjacent to the road proposal, or the impact on the critically-endangered EPBC listed bee *N.simplicior* that nests and roosts within this claypan. The proponent reports that no significant hydrogeological impacts will occur as the unmade road

is a small-scale local development and could not be expected to affect the water-table (superficial aquifer) - but claypans are often perched, and if this is the case then the claypan's water balance would be sensitive to very small-scale rainwater infiltration and runoff. The proponent has not established in Attachment 6 whether the claypan is perched. If perched, the EPBC listed TEC could be negatively affected by any water-balance change from altered run-off within the 500m buffer, and the ability of *N.simplicior*, the Short-tongued Bee, to nest is very likely to be affected by changes in soil moisture.

The proponent has not addressed localised hydrogeological impact on the EPBC listed TEC, nor the listed fauna species, for which this referral addresses by failing to ascertain the hydrogeology of the claypan.

GHD in 2006 (Referral, Attachment F) state in their flora and fauna assessment that this fine-scale local impact of changing seasonal infiltration can be expected to impact upon the EPBC TEC listed claypan and the fauna utilising it. This comment is not addressed in the review of previous work in Attachment 6. There is no reference provided for potential impacts of the Keane Rd proposal at this very local scale.

8. Offsets

It is disingenuous and unacceptable to offer land as an environmental offset for a specific road construction project in 2013 for land that was earmarked for transfer into the conservation estate in 2005 and is already managed for conservation.

- City of Armadale Reserve 27165, documented in 1998:

"Information Sheet on Ramsar Wetlands, Site 487 Forrestdale and Thomsons Lake, Western Australia, 1998". 26. Conservation measures proposed but not yet implemented:

e.g. management plan in preparation; official proposal as a legally protected area, etc.

The City of Armadale Reserve 27165, which adjoins the eastern side of Forrestdale Lake Nature Reserve, and bushland owned by the Western Australian Planning Commission adjoining the south-western side of the Nature Reserve have been proposed for future addition to the Nature Reserve (DCLM 2003a)."

From: http://www.ramsar.org/cda/en/ramsar-home/main/ramsar/1_4000_0

- Conservation Commission, Forrestdale Lake 2005:

Forrestdale Lake Nature Reserve Management Plan 2005, Management Plan No. 53. Conservation Commission of Western Australia. Forrestdale Lake Nature Reserve Management Summary, Planning Area and Tenure. Page 41 and 42.

From: www.conservation.wa.gov.au/media/7976/forrestdale_lake_nature...

OBJECTIVE

To ensure all lands that comprise the planning area are created as nature reserves and transferred to the Conservation Commission of Western Australia, for management by CALM.

THIS WILL BE ACHIEVED BY:

1. Continuing negotiations with the City of Armadale to transfer the vesting of Recreation Reserve 27165 (excluding the Armadale Golf Course) to the Conservation Commission, as nature reserve. [HIGH]
2. In conjunction with the Department for Planning and Infrastructure, pursuing the transfer of adjacent land to the south-east and Bush Forever site 345, to the Conservation Commission as nature reserve, as they become available. [HIGH]

3. Transferring the land that is the existing golf course to the Conservation Commission as nature reserve, when the City of Armadale no longer uses the course. [MEDIUM]
4. In conjunction with the Department for Planning and Infrastructure and the City of Armadale, closing the unnecessary road reserves within the planning area for addition to the nature reserve. [MEDIUM]

In summary the proposed offsets refer to land earmarked for protection by the City of Armadale back in 2005. To now link these areas to the proposed land clearing in 2013 is disingenuous, misleading and unacceptable by the proponent.

Further, the proposed environmental offsets offer only a net reduction in native vegetation. This is totally unacceptable.

9. Need for Development

There is a lack of compelling information outlining the necessity of a road development in the area:

- The need for vegetation clearance to construct the road through the Bush Forever Site will cut a total of 1.95 km in a trip between North Forrestdale to Armadale Town Centre (existing distance 11.6 km, AKSL 9.65 km, Environmental Scoping Document, EnviroWorks 2009).
- Other benefits listed in the Scoping Document are buses will be able to service more people. Roads currently service all dwellings in the area, so surely buses can use the existing roads.
- Further it is argued in the Scoping Document that the new road will allow more pedestrians and bike journeys to move through the wetland. A counter-argument is that there are existing fire breaks through the wetland that can be used by pedestrians and cyclists, without the need for a road development.

There is no relative comparison between the benefits of preserving a Bush Forever site versus a 2 km short cut between existing roads. Alternative, convenient vehicular access to Armadale for Harrisdale residents already exists. Nicholson, Armadale and Ranford Roads will soon become dual carriageways. Alternative access to Harrisdale High School via a cycleway on the western boundary of the Bush Forever site and a bridge over Armadale Road should be considered. The cycleway and bridge would provide access not only to the High School for Forrestdale residents but also to Forrestdale Lake and the Forrestdale trail for Harrisdale residents.

Land zoning in the past resulted in a road easement across the wetland and this zoning is now being used as a justification for building the AKSL. However, as the natural values of the wetland have become known and appreciated through extensive scientific work, as described in Bush Forever Volume 2, there must be a very good justification for clearing vegetation and constructing a road through a Bush Forever area (MRS, "Reserves for Parks and Recreation").

The City of Armadale has not made an adequate or strong case for the need for the development. Rather, the AKSL appears to be a convenient extension of the current road network and corridor for utility services (as mentioned in the Scoping Document, see following section). A similar road proposal to be put across the middle of Kings Park would cause an immediate public outcry, and would not be seriously considered.

In the past, Bush Forever areas in Forrestdale have been within road reserves have been transferred from the WAPC Structure Plan and incorporated into JRP. City of Armadale (COA) should cede its vesting in it and protect this priceless, public jewel of biodiversity.

In summary there is a lack of evidence supporting the development other than cutting 1.95 km from an 11.6 km trip to the Town Centre. The most sustainable option is to transfer the Bush Forever area to Jandakot Regional Park.

10.Scope of Development

There is a concern that the information provided under the Related Actions/Proposals of the development (Section 1.12 of the Referral of Proposed Action) do not adequately define the future “utility service requirements”.

In the Environmental Scoping Document (EnviroWorks, 2009), Attachment G, on page 11 an extra development is mentioned: “In addition, if the Keane Road Strategic Link is not available for the installation of a sewer line via standard excavation methods, costs of sewer provision for North Forrestdale are likely to be significantly more “ and “The City of working cooperatively with the Water Corporation to facilitate the co-location of the sewer main as part of the construction project thereby minimising cumulative impacts.”

Further, “The KRSL will... allow the provision of reticulated water hydrant points for fire fighting” (page 11).

- Can the City of Armadale confirm whether or not a sewer line is proposed for the KRSL?
- Can the City of Armadale confirm whether or not a water main and hydrants is proposed for the KRSL?
- What additional area of Bush Forever Site 342 would be cleared for the “standard excavation methods” required to install a sewer line and also for a water main?
- What additional services (such as gas main, telecommunication, power and NBN cabling) are proposed within the “utility service networks”?
- If a sewer line or other utilities are proposed in the future why was there no information about the cumulative impact of such developments in the many consultants reports?

In summary there is a lack of information regarding the cumulative impact of further development such as planned utilities for the ARSL.

Thank you for the opportunity to comment on the referral for the ARSL development.

Urban Bushland Council WA, Inc.