



23 November 2015
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CPS 818: Application for clearing permit by Commissioner of Main Roads WA, Purpose Permit York-Merredin Road widening and upgrade.

As advertised in The West Australian 9 November 2015. Submissions due by 30 November 2015

This submission is made in response to the advertisement for an application for a clearing permit under the assessment bilateral agreement made under S45 of the EPBC Act 1999 (Cth)

Introduction

The Urban Bushland Council is strongly opposed to this proposal. The EPBC documentation states *“The Main Roads Purpose Permit (CPS 818) requires an assessment of the Project clearing against the Ten Clearing Principles and, where at variance, an environmental offset is required”*.

It is obvious that the environmental harm of this project cannot be offset. How can mature hollow bearing trees and vegetation over the length of the road from York to Quairading be offset? There is no offset which could compensate for the loss of these trees and 15.8 ha of high conservation priority vegetation communities, which provide threatened species with breeding, feeding and - most importantly - protection through the linkage over many kilometres. There would be a net loss. Tree breeding habitats take more than 200 years to develop.

We strongly recommend that the regulators – both DER and the federal Department of Environment - make the decision that a clearing permit may not be granted to Main Roads to clear trees and roadside vegetation for the York-Quairading part of the York-Merredin Road widening and upgrade project. The loss amounts to 592 trees and the clearing of 38.85ha.

The clearing of 38.85 ha includes:

- 592 potential breeding trees for Carnaby’s Cockatoo, including 20 trees currently supporting suitable breeding hollows and
- Loss of a very significant corridor and feeding habitat for Carnaby’s Cockatoo as it traverses the landscape which is already seriously over-cleared.
- 38.1 ha of suitable habitat for Red-tailed Phascogale EPBC 2015/75 36 (CPS 6800/1)

The proposal has been determined to be a controlled action by the federal Department of the Environment, with the controlling provisions ‘listed threatened species and communities’ (EPBC 2015/7536)

Extensive clearing in the wheatbelt

Vegetation in the wheatbelt has been extensively cleared and the roadside vegetation in many parts is

all that remains of what was originally there. So this roadside vegetation is highly significant and irreplaceable.

The EPA Bulletin 1290, 'Conservation of Roadside Vegetation' June 2008, outlines the importance of roadside vegetation. Even though this document is over-stamped 'Withdrawn', the statements are valid and important.

Roadside vegetation is often the only intact local native vegetation in the region. It is important in the overall conservation of the landscape and environment, and has biological, cultural, aesthetic and landcare values (p.2, RCC, 2002). The clearing of roadside vegetation also has economic implications, because it may have detrimental impacts on the wildflower tourism industry. In addition, roadside vegetation links remnant stands of vegetation, provides vital habitat for a range of native fauna, including threatened species such as Carnaby's Cockatoo, acts as windbreaks and provides a source of seed for revegetation projects. (p 2)

While the EPA recognises that road safety is paramount, the EPA's position is that roadside vegetation should be retained for its intrinsic biodiversity values, especially its significance as habitat for threatened flora and fauna species and its importance as ecological linkages; its loss should, where at all possible, be avoided during road upgrade projects. The EPA believes that there are opportunities to achieve this outcome through further improvement and refinement of the existing systems. Opportunities and challenges include creative planning solutions at the strategic level, adequate resourcing for compliance, and last, but by no means the least, integration with Natural Resource Management priorities and strategies.⁸

Footnote 8; EPA is hopeful that these strategic measures will also be supported by more practical measures, such as the continued introduction of innovative road-design alternatives. (p 10)

Another concern is that 'Other sections of this road have already been assessed and approved with construction due to commence in 2015.' This proposal therefore is part of a larger proposal which will impact the roadside environment.

Addressing the Clearing principles: Native vegetation should not be cleared if:

(b) It comprises the whole or part of, or is necessary for, the maintenance of a significant habitat for fauna indigenous to Western Australia;

The proposal is contrary to this principle (b). The Urban Bushland Council WA is alarmed at the impact this proposal will have on Carnaby's cockatoo and on the Red-tailed Phascogale.

Carnaby's cockatoo

The loss of 35.59 ha of habitat for foraging, potential breeding and roosting for Carnaby's including 592 potential habitat trees (tree with a DBH of greater than 300mm or 500mm) and 20 of these trees with suitable hollows for breeding, is significant and unacceptable. This will reduce the potential breeding habitat which may lead to a long-term decrease in the size of the local population of Carnaby's cockatoo.

Red-tailed Phascogale

An estimated loss of 38.15 ha of suitable habitat including potential breeding habitat, that is hollows, for Red-tailed Phascogale, is likely to lead to a long-term decrease in the size of the local population.

The GHD Report quotes Maxwell, Burbidge and Morris 1996 in that **‘all known populations** [of the Red-tailed Phascogale] **are considered essential for the species recovery and long-term survival’**. GHD goes on to state various reasons why the works associated with the project are ‘unlikely’ to lead to the species’ decline. This is another example of rationalising the risk by saying the species can continue to survive in other suitable areas. This is a species that needs hollows, food, and habitat connectivity. GHD also quotes the *‘Dote (2013) MNES 1.1 Significant Impact Guidelines state that if there is scientific uncertainty about the impacts of the Project actions and potential impacts are serious or irreversible, the precautionary principle is applicable’*.

Both Carnaby’s Cockatoo and the Red-tailed Phascogale are Matters of National Environmental Significance.

Rainbow Bee-eater

A further species listed under the EPBC Act and under Schedule 3 of the WC Act is the Rainbow Bee-eater. This migratory bird *‘may potentially occur throughout the entire project area on an opportunistic basis.’* We agree with the GHD 2015 statement that *‘the species is unlikely to rely solely on the habitats available in the proposed Project area’*. However, we are seeing massive clearing in the Perth Peel region as well as predation by foxes, so there is a cumulative effect of loss of habitat and predation.

It is likely that clearing in the project area will reduce the functionality of the road reserve vegetation as dispersal habitat and cause increased fragmentation in the over-cleared landscape which may reduce the capacity of the population to disperse and further isolate individuals in the population.

We can only reiterate the statement in the EPBC document:

‘The avoidance and mitigation measures outlined in the Project Environmental Management Plan (EMP) aim to minimise the potential impacts to the Carnaby’s Black Cockatoo and Red-tailed Phascogale as a result of the Project, however, it is unlikely that the level of impact will be reduced so as to avoid a significant impact. Therefore it is still considered likely that the loss of the potential breeding trees for the project with respect to similar potentially suitable breeding habitat in the local area is substantial’.

This statement verifies our position that a permit should not be given as it is seriously at variance with the spirit and intent of clearing principle (b) which states that vegetation should not be cleared if: ***‘it comprises the whole or part of, or is necessary for, the maintenance of a significant habitat for fauna indigenous to Western Australia’***.

The first step of the offset policy applies here: namely **avoidance**.

(e) It is significant as a remnant of native vegetation in an area that has been extensively cleared

The proposed clearing is seriously at variance to this clearing principle (e) and should not be permitted. A portion, approximately 15.81ha, of three vegetation associations (Beard’s 352, 694 and 1049) will be lost.

- Vegetation complex 352 is Medium woodland: york gum,
- complex 694 is Shrublands: scrub heath on yellow sand plain Banksia-Xylomelum alliance in the Geraldton sandplain and Avon-wheatbelt Regions and

- complex 1049 is Med woodland: Wandoo, York gum, salmon gum, morel and gimlet.

These three complexes are of high conservation priority and are listed as Vulnerable. All the associations 'are below 30% threshold level for the state, IBRA bioregion and subregion'. (EPBC document). This (<30% remains) actually means that they should be EPBC listed as 'endangered' rather than vulnerable. The area of the project York to Merredin is already very highly cleared.

The location of vegetation within the roadside reserve in the highly cleared landscape provides the only link to greater bushland areas.

Beard's Vegetation Associations 352, 694 and 1049 have, in the adjacent Shire of Northam, only 11%, 6% and 6% respectively of pre European vegetation remaining.

Many threats to vegetation apart from clearing, will be exacerbated by the impacts of a hotter climate, with increasing aridity. The vegetation needs retention and support rather than destruction.

(g) the clearing of the vegetation is likely to cause appreciable land degradation:

The removal of vegetation from both sides of the existing road is likely to cause appreciable land degradation thus the Proposal is contrary to Clearing Principle (g)

The UBC is also interested in 'the riparian vegetation along rivers (eg Mackie and Avon River) and drainage lines throughout the area'. The vegetation is mapped as vegetation type '*Samphire shrubland and sedges with fringing Casuarina and York Gum*'. It is noted that this vegetation '*was often degraded and dominated by weedy species.*' However any further clearing and disturbance impact on this vegetation community is not supported.

Under 3.3 (g) (EPBC Report) it is stated that '*Drainage lines throughout the Study Area supported samphire shrublands with Juncus sedgeland with Salt Sheoak (Casuarina obesa) and York Gum fringing the drainage areas. Within one section of Section 1 there was a low-lying area that was dominated by Salt Sheoak woodland along the edge of the road.*'

CONCLUSION

1. The proposed clearing of roadside vegetation on the York-Merredin road is significantly at variance to at least 3 clearing principles: (b), (e) and (g) and therefore should not be permitted by DER or under the EPBC Act.
2. The UBC urges the decision makers to ensure the protection of the existing habitat of the two endangered species as well as all the other species who rely on the protection of the 592 trees and the 38.85 ha of vegetation on the York – Merredin Road.
3. The clearing of these habitat trees and associated vegetation simply cannot be offset and there would be an unacceptable net loss.
4. Main Roads should consider acquisition of adjacent cleared land for additional road lanes. Furthermore, we question the need for road widening on this road.

We may be contacted directly on phone 9381 1287 or as below for any further information.

Yours sincerely

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