



21 July 2016

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Appeals Convenor, Office of the Minister for Environment
Level 22 Forrest Centre
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Dear Appeals Convenor

CPS 6800/1: Appeal against the granting of a clearing permit for Commissioner of Main Roads WA, York-Merredin Road widening and upgrade.

The following are our grounds of appeal against the granting of a clearing permit for this proposal by the Commissioner of Main Roads.

- 1.) The decision to grant a permit is contrary to the spirit and intent of the Clearing Regulations. A Clearing permit should not have been granted.
- 2.) The decision is contrary to statements by the WAPC and EPA – including EPA Bulletin 1290 *Conservation of Roadside Vegetation*
- 3.) The decision is contrary to the Federal Department of the Environment’s decision that the proposal is a controlled action.
- 4.) The Eucalypt Woodlands of the Western Australian Wheatbelt are listed under the federal EPBC Act as a *critically endangered* threatened ecological community. We do not accept the argument that this listing occurred after this proposal was submitted and that therefore its listing does not apply.
- 5.) The first consideration in the offset policy is AVOID. The loss expected from this proposal, if implemented, cannot be offset. There would be a very serious net loss. There is an easy way to avoid the clearing by locating a new lane or lanes on the adjacent cleared farmlands.
- 6.) Endangered species loss of habitat and its connectivity leads to death of species.
- 7.) Alternatives to the proposal were not investigated.

1.) Assessment by the Department of Environmental Regulation of the application by the Commissioner of Main Roads WA.

*‘The proposed clearing is at variance to clearing principles (a), (b), (d), (e) and (f)
And may be at variance to clearing principles (c), (h) and (g)
And is not likely to be at variance to the remaining clearing principles’.... [that is (i) and (j)].....’and therefore a clearing permit has been granted with an offset’. Letter to the UBC James Widenbar A/SENIOR MANAGER CLEARING REGULATION July 2015.*

The UBC is astonished at this assessment as it is not logical.

It is contrary to the spirit and intent of the Clearing Regulations and makes a mockery of each Principle.

EACH principle stipulates that ‘Native vegetation should **NOT** be cleared if....’ This stipulation is ignored in the granting of the clearing permit for this proposal.

As an example the UBC gives attention to principle (e)
‘Native vegetation should not be cleared if –

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

Quotes from (1) the WAPC, (2) the EPA and (3) the federal Department of the Environment follow.

(2) 2.1: WAPC statements

Obviously the region the road traverses has been extensively cleared. The draft *Wheatbelt land use planning strategy* published by the WAPC in April 2011 states under **1.2 Regional planning principles**:

‘Identify and protect the Wheatbelt’s natural assets and deliver enhanced environmental outcomes, recognising the region’s fragmented landscape and international biodiversity values.

We also can read in this document that:

‘The primary cause of biodiversity loss in the Wheatbelt is the historical clearing of native vegetation for agricultural expansion. It has been estimated that 90-94% of the Wheatbelt has been cleared for primary production, industry and settlements, which has caused widespread land degradation.’

- and that a key challenge is climate change and the impacts of a drying climate. The ‘Strategies and actions’ section under **5 Environment** has as the first two points:

1. *‘Consider existing and potential environmental and cultural corridors in planning for the Wheatbelt.’*
2. *Acknowledge the work of the Roadside Conservation Committee to encourage the protection of significant roadside vegetation’ .*

In the WAPC policy position we read that;

4. *‘In the Wheatbelt biodiversity planning unit, development should avoid clearing of native vegetation due to the extent of past clearing and susceptibility towards increased salinity’ .*

(2) 2.2 EPA statements

The EPA position on clearing in relation to remnant native vegetation is:

“Now all existing remnant native vegetation is important, and it should be managed to ensure its retention.” (EPA, 1988).

The whole tenor of the EPA Position statement No 2 is that we must protect the little vegetation that remains in the wheatbelt and that any further clearing of any native vegetation ‘cannot be supported

We repeat EPA comments which were included in our submission CPS 6800/1 23 November 2015.

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 still valid and important. Indeed they have become even more important with the passage of time and continuing degradation.

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)

(3) Federal Department of the Environment

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)

In the light of all these statements, the granting of a clearing permit should not have been given and we appeal to you as convenor to act to protect the 38.85 ha of habitat including the 592 trees on the York-Merredin Road.

(4) In addition, we wish to point to the fact that Eucalypt Woodlands of the Western Australian Wheatbelt are listed as a nationally threatened ecological community with the listing as critically endangered; December 2015. The criteria for national protection applies to *'new actions likely to cause significant damage to patches of Eucalypt Woodland that remain in good condition.'* However, whether the application by Main Roads was made prior to this listing is not a reason for ignoring the critically endangered status of the woodlands. The woodlands are critically endangered, so this proposal, if implemented, will cause harm to a huge degree. Road-side linkages may be all that remains in a highly cleared landscape and thus are really important.

The 'Guide to the Eucalypt Woodlands of the Western Australian Wheatbelt – a critically endangered ecological community' comments on patch size that occurs as roadside verges. The width is 5m and the patch must meet the other criteria, such as presence of mature trees.

(5) Offsets

The loss of the roadside vegetation cannot be offset. The first principle of offsetting is to avoid the clearing of native vegetation, as stated in the clearing permit. Avoidance is possible. No other area has 'similar environmental values containing Carnabys cockatoo, red-tailed phascogale and threatened ecological community habitat within the Avon Wheatbelt Bioregion.' (Clearing Permit Advice Notice). We read that funding of \$368,271 is to be 'transferred to the Department of Environmental Regulation for the purpose of establishing or maintaining native vegetation. (offset) (P 4 Clearing Permit). This monetary offset does nothing to increase or maintain habitat and is used as a justification of the net loss.

(6) How are endangered species such as Carnaby's cockatoo to travel over the landscape when lengthy section of roadside vegetation have disappeared? How are red-tailed phascogales to survive with the small areas of cover? A patch of offset native vegetation in another place will not protect these and other species. There will be a net loss. These mature trees provide breeding hollows as well as feeding and protection over a distance.

As pointed out in our earlier submission (23 November), 'all known populations (of the red-tailed phascogale) are considered essential for the species recovery and long-term survival.' (GHD Report)

(7) Alternatives

Whilst not our area of expertise, the UBC suggests as possible alternatives to this proposal, that more transport of wheat could go by rail. As well the road could be duplicated by buying cleared farm land adjacent to the road reserve making the road a dual carriageway.

By looking at all the proposals for clearing, it would seem that very few are not approved and are rejected. The clearing principles are sound principles but if they are discounted and ignored, as in this proposal, there is no protection for our environment and its species, many of which will continue to decline to extinction.

The UBC strongly recommends that you act so that this clearing proposal is not allowed to proceed.

Yours faithfully

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