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Chairman EPA
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Dear Dr Hatton

Bunbury Outer Ring Road (BORR)- Southern Section: Main Roads WA's 'Updated Environmental Referral Supporting Document and Additional Information'

Submission by Urban Bushland Council WA Inc.
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The Urban Bushland Council WA Inc (UBC) makes the following submission on the above proposal. In summary, the UBC strongly opposes the BORR southern section proposal as it is environmentally unacceptable.

The corridor was initially set aside for a two-lane highway around 45 years ago. Now the proposal is for a four-lane highway through a bushland area of beauty and significance. If approved, 76 ha of regionally significant native vegetation within a 200 ha envelope, would be cleared and fragmented.

The (undated) Western Australian Regional Freight Transport Network Plan in Part 3, 'Objectives', defines 'Sustainability' as '*minimising adverse environmental and social amenity impacts of freight operations on communities and the environment.*' On this objective the proposed BORR southern section fails.

The UBC appeals to the EPA to realise the importance of protecting this special area of South West WA and in particular the Galorup corridor.

Alternatives

It has been suggested by Cr Michael Southwell, Capel Shire President, that
'The BORR doesn't have to come into Capel Shire, cutting through Gelorup, dividing a community and destroying a rare and valuable native Bush reserve. There is already a connection to BORR planned for Centenary Ave. Just add two additional lanes, and the job of taking traffic around Bunbury is done (with tens of millions \$\$s saved)...There is already a busy four-lane highway going past Dalyellup, so nothing changes. Why wasn't this considered by Main Roads, instead of longer "designed to fail" options through wetlands?' (July 28 2020).

The UBC supports the suggestion that improved rail use for some freight could be planned for at a lesser cost.

EPA's four significant factors

The UBC supports the identity of four significant factors identified by the EPA:
(1) *Social Surroundings: Disturbance to Aboriginal heritage sites*

- (2) *Flora and Vegetation: Clearing 98ha (including impacts to TEC and PEC)*
- (3) *Terrestrial Fauna: from clearing and changes to hydrological regimes of habitat for conservation significant species*
- (4) *Inland Waters: from impacts to waterways, Conservation Category Wetland (CCW) and groundwater dependant ecosystems*

However, the UBC submits that each of these four factors cannot be managed to make the outcome acceptable. No amount of avoidance, offsetting or mitigation can replace what would be lost, if approved. The outcome for each would be an unacceptable significant net loss.

1.) EPA: Social Surroundings: Disturbance to Aboriginal heritage sites

➤ Aboriginal heritage sites

Appendix D of the referral has advice from the desktop survey for Aboriginal heritage. Three sites are listed from the state government's Department of Planning Lands and Heritage. It is noted that 'The *Aboriginal Heritage Act 1972* preserves all Aboriginal sites in Western Australia whether or not they are registered.' (p 1)

The first site listed is 'Bunbury Bypass Archaeological site 1 – artefacts/scatter.

The second site listed is 'Paper bark wetlands' that is 'Modified Tree, Birth Place, Hunting Place, water source.'

Having watched the previous state government cruelly approve the bulldozing of the Noongar Birthing Site for the proposed Roe 8 Highway, the horror of that event remains and the UBC strongly believes that the bulldozing of Aboriginal sites must cease.

The third site listed is 'The Galorup Corridor' – 'Artefacts/Scatter, Ceremonial, Skeletal Material/Burial'.

It is painfully obvious that the proposed road should not go on the route chosen by Main Roads because of the disturbance that would occur to the listed Aboriginal heritage sites, let alone to unlisted sites. These are irreplaceable. **This unacceptable incursion and impact on Aboriginal heritage sites is reason alone for the proposal to be refused by the EPA and Minister for the Environment.**

➤ Social surroundings

There is local and wider community interest and support for protection of the Galorup Corridor and for the vegetation and wildlife that would be killed if this proposal were to be approved.

➤ Special trees and communities in Galorup

Some of the trees in the Galorup corridor are the largest of their species eg: a Moodja or West Australian Christmas Tree that is over 400 years old. The Noongar people believe that:

'the spirit of their ancestors are resting in that tree. If we were to break off any of that branch to take home or build a new shelter [using the tree], then we would have that spirit with us and that spirit certainly won't be happy'. (Wikipedia: Moodjar).

'No living Bibbulmun never sheltered or rested beneath the shade of the tree of souls; no flower or bud or leaf of the tree was ever touched by child or adult; no game that took shelter beneath it was ever disturbed.' (Bates 1938 in Bridge 1992: 153) ('Anthropology from the Shed' web page and article '*Traditional significance of Nuytsia floribunda (moojar' or 'kaanya tree')*')

'We were always too scared to touch this tree... it's winnaitj.' (Aboriginal elder: ibid)

Respecting the beliefs of the Noongar people is a compelling reason for not destroying this ancient tree as well as all the other Moodja trees in the corridor.

2.) Flora and Vegetation: Clearing 98ha (including impacts to TEC and PEC)

EPA objective for flora and vegetation:

'To protect flora and vegetation so that biological diversity and ecological integrity are maintained.'
The proposal is contrary to this EPA objective for flora and vegetation and should therefore not be permitted. Details are below:

➤ **Banksia woodlands of the SCP (TEC) and Banksia dominated woodlands of the SCP IBRA region (PEC)**

Both community types are present in the BORR southern section area with 89 occurrences and 702 occurrences, as mapped in the survey area and in the 5 km buffer, in the desktop search. The conservation objective of *'Banksia Woodlands of the SCP ecological community'* *'is to mitigate the risk of extinction...and maintain its biodiversity and function, through the protections provided under the EPBC Act 1999 and through the implementation of priority conservation action. Buffers to protect the integrity of the patch are from 20 – 50m minimum'*.

In the BORR Team Table 3-6, *'TEC and PEC identified in the desktop searches, "Banksia Woodlands of the SCP has 89 occurrences mapped within the survey area. And "Banksia dominated woodlands of the SCP IBRA region' has 702 occurrences within the 5 km buffer of the survey area. Low Banksia attenuata woodlands or shrublands (FCT SCP 21c)'has 'one occurrence within the 5km buffer of the survey area' and Southern Banksia attenuata woodlands (SCP 21b) has four occurrences within the 5km buffer zone. (p22)*

Banksia woodlands were the dominant vegetation type of the SCP, particularly in the Perth sub-region, and threatening processes, mainly clearing, have led to the situation where they are fragmented and now in danger of extinction. **To give Banksia communities a chance of surviving into the future, there must be no more clearing to protect the occurrences that remain.**

In addition to the four Banksia woodlands types, ten other vegetation communities are listed by the BORR Team as TECs/PECs. Four are listed as *Critically Endangered under the EPBC Act - Shrublands on dry clay flats (SPC10a), Herb rich saline shrublands in clay pans (SCP07), Herb rich shrublands in clay pans (FCT-SCP08) and Dense shrublands on clay flats (FCT-SCP09).* **There should not be any further loss of these communities. Offsets are not justified or applicable. The result would still be a net loss.**

➤ The *'Quindalup Eucalyptus gomphocephala and/or Agonis flexuosa woodlands (SCP 30b)'*, has one occurrence within the 5 km buffer of the survey area. It is noted that this community *'can form a component of the Tuart Woodlands of the SCP PEC'* (p22).

The conservation advice under the EPBC Act for Tuart Woodlands and Forests of the SCP was approved and published in July 2019 and the BORR Team TEC and PEC list is dated 13 September 2019, but the listing of EPBC Act category column is left blank. The reason given is that the community will be *'confirmed and quantified during the 2019 surveys.'* Tuart communities are valued by the community and must be *'conserved, protected and enhanced for future generation to enjoy.'* (Tuart Response Group).

The Tuart Forests and Woodlands of the Swan Coastal Plain are listed as *critically endangered under the EPBC Act.* The Approved Conservation Advice under the EPBC Act is to *'PROTECT the ecological community to prevent its further loss of extent and condition; and to RESTORE the ecological community. This clearly states that further loss as proposed is totally unacceptable. No clearing is acceptable.*

➤ **Flora diversity**

DBCA identified 568 plant species within the study areas (p23 BORR Team) and a further 3 species are reported as occurring/potentially occurring near the survey area. This is extremely high species richness. Indeed this area is identified as a biodiversity sub-hotspot within the South West globally recognised biodiversity hotspot. The loss of populations of these species is not acceptable and would

be part of the process of further extinction of species; part of Western Australia's lamentable and distressing record.

Because of all the irreversible impacts of reduced diversity and loss of ecological integrity due to net losses of the vegetation and flora, - which is contrary to the EPA objective for flora and vegetation, - the BORR proposal is environmentally unacceptable and should be refused.

3.) Terrestrial Fauna: from clearing and changes to hydrological regimes of habitat for conservation significant species

➤ Western Ringtail Possum

In May 2018 the status of the Western Ringtail Possum was elevated from Vulnerable to *Critically Endangered*, and in response Main Roads did a review of the best alignment. Main roads considered that the alternative alignment was inferior to the current proposal. The alignment of the southern section of the BORR will still **destroy 71 ha of vegetation and habitat for this critically endangered possum**. This is totally unacceptable.

The Western Ringtail Possum (Pseudocheirus occidentalis) Recovery Plan, February 2017, was written prior to the Western Ringtail Possum's status being upgraded to Critically Endangered. However, the Plan anticipated this upgrading. Findings for recovery of the species need urgent implementation. Habitat critical to survival includes

'high nutrient foliage availability for food, suitable structures for protection/nesting, and canopy continuity to avoid/escape predation and other threats. Long-term survival of the species requires linkages between suitable habitat patches'. 'Vegetation communities critical to the species include long unburnt mature remnants of peppermint (Agonis flexuosa) woodlands with high canopy continuity and high foliage nutrients (high in nitrogen and low toxin levels); jarrah (Eucalyptus marginata)/marri (Corymbia calophylla) forests and woodlands with limited anthropogenic disturbance (unlogged or lightly logged, and a low intensity and low frequency fire history), that are intensively fox-baited and have low indices of fragmentation; coastal heath, jarrah/marri woodland and forest, peppermint woodlands, myrtaceous heaths and shrublands, Bullich (Eucalyptus megacarpa) dominated riparian zones and karri forest. Any habitat where western ringtail possums occur naturally are considered critical and worthy of protection'. (p 7 Recovery Plan)

The Recovery Plan records that translocations have been attempted at Gelorup, that is now included in the proposed clearing. *'Very few translocations have been successful.'* (Recovery Plan p28)

It follows therefore that the proposed southern BORR should not be approved where approval would destroy any of the Western Ringtail Possum habitat. This means all clearing would be unacceptable and would increase fragmentation.

Black cockatoos

Three species of endangered black cockatoo are present in the proposed area of clearing.

Of the 1,017 trees surveyed, 115 have hollows, of which 18 are suitable for nesting, 24 have limited suitability, 64 are not suitable and 9 could not be accessed. Over recent years the UBC has contributed submissions to some of Main Road's applications to clear roadside trees on country roads. Beautiful Salmon Gums, York Gums and other trees, a destination for tourist buses, have been unacceptably cleared and destroyed, along with the understorey, contrary to the Clearing Principles. These trees were what little remained in the highly cleared rural areas. This BORR southern section, with 76 ha proposed for clearing, is certainly environmentally unacceptable at a very significant scale.

Main Roads should not be permitted to destroy all this critical habitat resulting in a highly significant net loss of habitat which is a significant adverse impact on all 3 species.

Over 2 million hectares of Carnaby's Cockatoo habitat has been cleared since European settlement (DEC unpublished data 2010) (Carnaby's Cockatoo Recovery Plan). The Recovery Plan also advises that EPA Guidance Statement No 33 states '*that the EPA is unlikely to recommend the approval of projects that have significant adverse impact on the species.*' (p 22). **This is reason alone for the BORR proposal to be refused.**

As we know, all 3 species of black cockatoos are in decline, and are reliant on every food and habitat tree.

Baudin's and Forest Red-tailed Black Cockatoos '*have similar breeding and feeding requirements*' so are considered together in the 'Forest Black Cockatoo (Baudin's Cockatoo *Calyptrorhynchus baudinii* and Forest Red-tailed Black Cockatoo *Calyptrorhynchus banksianus*) Recovery Plan'.

Baudin's Cockatoo has declined over more than 50% of its range over the past 50 years and also in the 20 years prior to 1998-2001, the species declined by up to 49% (reporting rate for the Atlas of Australian Birds (Birds Australia WA)). (p6 Recovery Plan)

Threats to Forest Red-tailed Black Cockatoo and Baudin's Cockatoo include habitat loss, nest hollow shortage, changes to biodiversity and ecosystem function, and climate change. (p13 Recovery Plan)

Many other species of fauna live in the proposed area. Species cited include South-western Brush-tailed Phascogale, Southern Brown Bandicoot, Black-stripe Minnow and South-Western Snake-Necked Turtle (endemic to the S-W of WA).

The UBC does not agree with and indeed strongly objects to the statements on (1) 'Mitigation' - avoid, minimise and rehabilitate and (2) 'Outcomes', that state that offsetting and mitigation will '*counter the reduction of habitat supporting conservation significant fauna.*' (p iv Referral). **This is incorrect as there will be a substantial net loss of habitat and a significant loss of fauna, including multiple endangered species. This is reason alone for the BORR proposal to be refused.**

4.) Inland Waters: impacts to waterways, Conservation Category Wetlands (CCW) and groundwater dependant ecosystems

The EPA objective for 'Inland Waters' is '*To maintain the hydrological regimes and quality of groundwater and surface water so that environmental values are protected.*'

Large sections of the proposed development area are '*low-lying palusplain, which is seasonally waterlogged or has a high water table over water*'. **24% of the survey area is mapped as geomorphic wetlands.** There is one Conservation Category Wetland, 20 Multiple Use Wetlands and 5 Resource Enhancement Wetlands. Associated with the water courses or wetlands would be the potential impact on 15.4ha of riparian vegetation. This constitutes a very extensive and significant wetland habitat area.

The BORR Team list the potential impacts that include Acid Sulfate Soil risk and Potential ASS risk. Mitigation (Avoid and Minimise): and Outcomes. (p vi). Outcomes are deemed to be '*temporary to surface and ground water*', '*flows will be mitigated through road and drainage design*', and '*no significant residual impacts*' are expected. **But this is not correct.** Any 'temporary' drainage of ASS or PASS or drainage that lowers the groundwater table results in irreversible acidification of the ASS soils which then acidifies linked wetlands.

This is a very significant irreversible impact which changes and permanently reduces the

environmental values which simply cannot be ‘mitigated’. There must be no dewatering of ASS or PASS permitted.

Two advertisements by Main Roads under ‘Rights in Water and Irrigation Act 1914’, say that Main Roads has made application for a licence under s5C to take 333,062kl of water for road construction and dust suppression at the Bunbury Outer Ring Rd – Southern Section, and for 222,041kl for dust suppression and road construction at BORR – Northern Section. This wasteful abstraction of water is from the Yarragadee aquifer and will lower the groundwater table level. This is environmentally unacceptable. Falling groundwater levels due to reduced rainfall and excessive abstraction is a significant threatening process to native vegetation and will acidify ASS and PASS. This means that the hydrological regimes and quality of groundwater and surface water will not be maintained and protected. This is contrary to the EPA objective stated above and therefore the licence application under S5C should be rejected.

The impacts on Inland Waters is reason alone the BORR Southern Section should not be permitted.

Referral to the federal government under the EPBC Act

The referral to the federal DSEWPac in 2012 was determined to be a *controlled action* in 2013. In 2017 Main Roads withdrew the proposal.

More information has been requested by the (now) Department of Agriculture, Water and Environment (DAWE), so the current proposal must have been referred again or called in by DAWE. Now the BORR Southern Section Project is being assessed separately by DAWE as a controlled action and is open for comment until 18 December 2020.

CONCLUSION

The BORR Southern Section Project is environmentally unacceptable under each of the EPA’s four significant factors. The impacts will be irreversible and cannot be offset. The proposal is inconsistent with the EPA’s objectives.

This proposal must not be approved. The climate crisis is happening more quickly than we feared, and as temperatures rise towards 4 degrees Celsius, our ecosystems will suffer irreversible damage. (United Nations Shaping our future together)

We must give our biodiverse ecosystems of plants, animals, fungi, land, air and water every chance of persisting into the future. This will not be achieved by clearing for massive roads of questionable need such as the BORR Southern Section and by ignoring community concerns.