

Office of the Appeals Convenor

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## **Appeal: Tonkin Highway Grade Separated Interchanges (Hale Road and Welshpool Road)**

### **EPA Report on Assessment (1769)**

In this proposal, the EPA has been told by the proponent, the Commissioner of Main Roads, that there is no alternative to the proposal. It is *'a locally significant infrastructure project, designed to increase safety and traffic flow on Tonkin Highway.'*

*'The proponent notes that due to current and future freight and traffic requirements, there are no feasible alternatives to the proposal (MRWA 2022a).'*

and:

*'The proponent advised that there are no opportunities for further avoidance of impacts to environmental values'. (EPA Report p17)*

The Urban Bushland Council is of the view that proponents will keep advising 'that there are no alternatives' and that there are 'no further opportunities for further avoidance'.

Somewhere a line must be drawn on destruction of nature. That line may have been drawn through publication of national and state policies and official statements and advice, but the line is able to be made permeable using rationalising arguments.

The UBC appreciates that the EPA *'encouraged the proponent to identify avoidance and mitigation measures for the proposal in addition to those outlined in the original proposal'*.

The EPA worked very hard to gain a better environmental outcome but was not able to allow that the proposal should not proceed.

The EPA recommended that the proposal may be implemented subject to conditions (Appendix A)

### **The UBC appeal is that this proposal is too damaging to proceed.**

The UBC does not accept the EPA's advice on the identified environmental factors, that ...*'with 'the recommended conditions, the environmental outcome is likely to be consistent with the EPA objective for' ... x, y and z.*

[The EPA's environmental factors are Inland Waters, Flora and Vegetation, Terrestrial Fauna and Social Surroundings].

The UBC finds that the various changes and reductions granted by the Commissioner of Main Roads - ie reduction in clearing wetlands, reduction in the loss of *Conospermum undulatum* from 62 plants to 33, reduction of loss of SPC 20a TEC, loss of areas in Bush Forever sites, reduction in Carnaby's Cockatoo habitat (18.74ha to 16.67ha) and reduction of Forest Red-tailed black and Baudin's cockatoo habitat and other matters (EPA Report pp16 -17) – are minimal over the significant impacts of the proposal.

**The UBC will address some of the issues identified in the environmental factors discussion.**

### **Inland waters**

*The development envelope intersects 13 mapped wetlands, including seven conservation category wetlands (CCW), three resource enhancement wetlands (REW) and three multiple use wetlands (MUW), mostly of the palusplain wetland type. (p 19 ibid)*

Woodman Environmental's Figure 5 is instructive, showing all the Bush Forever areas within and close to the development envelope: sites 53, 51, 50, 387, 320, 282 and to the north, 319, 440, 401. (p 12 Woodman Environmental Biological Survey....). This Figure also shows well the intersection through the Greater Brixton Street Wetlands, Yule Brook and BF 320 Hartfield Park.

Figure 4 depicts the three types of wetland within the development envelope and to the south and the vast area that is Palusplain Wetland. (p 10 ibid)

Woodman Environmental also advise on the status of wetland types viz:

*'Development or clearing of Conservation category wetlands is not considered appropriate, as these wetlands are regarded as the most valuable wetlands and any activity that may lead to further loss or degradation is therefore inappropriate. Resource Enhancement category wetlands are viewed as having the potential to be managed, restored and protected with the objective of improving their conservation value and hydrological/hydrogeological regime.'*

This advice and more is clear and is supported by the UBC. Are we to continue to develop in areas that should be protected, until collapse...and are we already past the tipping point of no return.

The Greater Brixton Street Wetlands and Bush Forever site 387 will be partially intersected by the development envelope. Clearing in the GBSW of 3.78 ha and 26 ha of wetlands within Hartfield Park BF site 320, we consider unsupportable.

The EPA list the potential impacts. The impact on 30 ha of wetlands - is highly significant. Our city and environs have seen the loss of so many wetlands, that no more must be lost. Developers are filling in wetlands to have areas rezoned to Urban (For example in the suburb of Brabham).

The proponent's minimisation measures are not avoiding inland waters (as the EPA notes) and the minimisation measures are not acceptable.

### **Yule Brook Regional Park**

The Beeliar Group – esteemed scientists and professors - has proposed a Yule Brook Regional Park that would connect Lesmurdie Falls to the Canning River. Advice is that *'This megadiverse 15-kilometer corridor is home to close to 900 native plant species and 11 federally-listed ecological communities'*.

Had the State government seen the wisdom of implementing this brilliant Regional Park natural corridor, included would be the protection of Hartfield Park 'Bush Forever' areas, which is also the former Maamba Aboriginal Reserve and include scarred trees and other indigenous values and historical links with the significant 19<sup>th</sup> century indigenous figures Balbuk and Joobaitch, and anthropologist Daisy Bates... (p 14, 'A vision for conservation and public enjoyment of the GBSW and an eventual Yule Brook Regional Park'.)

This visionary plan would give some hope to Perth residents. Instead, we are faced with a thundering 6 lane highway that cuts through the Greater Brixton Street Wetlands and Hartfield Park.

## Flora and vegetation

'Clearing of ecological communities:

- 1.05 ha of *Banksia attenuata* woodlands over species rich dense shrublands (community identifier SCP20a) (TEC)'
- 2.37 ha of Banksia woodlands of the Swan Coastal Plain ecological community (Banksia woodland community) (PEC)'

**'The EPA considers that the proposed impacts are significant....'**

...but with *'the recommended conditions, the environmental outcome is likely to be consistent with the EPA objective for flora and vegetation'*.

The recommended condition (B1-1) allows clearing of 'no more than 1.05 ha of vegetation representative of FCT 20a *Banksia attenuata* woodlands over species rich dense shrublands'.

and

'2.37ha of the SCP ecological community (Banksia woodland community PEC)'

The UBC is most concerned about the loss under this proposal on FCT 20a. **Banksia attenuata woodlands over species rich dense scrublands'**. This vegetation community is so rare that it is listed as 'critically endangered'. The community is very species-rich (80 spp./100m<sup>2</sup>). It is *'very restricted and the richest of any Banksia community found on the coastal plain'*. (p 78 Approved Conservation Advice for the Banksia Woodlands of the Swan Coastal Plain, 26 August 2016)

All that remains of this community must be protected. The 20a Banksia community is under threat of extinction. Conservation Advice is that the community must be 'PROTECTED... to prevent further loss of extent and condition.' Also the community must be 'RESTORED within its original range by active abatement of threats' However threats continue. In the City of Wanneroo 4ha is planned for removal under the Roach Road Local Structure Plan. In the City of Wanneroo, the City and DFES are intent on burning this community and other natural areas within Wanneroo on a 6 year rotation.

The EPA's recommended conditions B1-1 and B5 - offsets, cannot compensate for the loss of these gorgeous communities.

The EPA advises to set clearing limits within Bush Forever sites. The UBC appreciates the efforts of the EPA to get better outcomes, but there should be no clearing in Bush Forever sites and linkages between sites must be protected and enhanced.

### **CLEARING VEGETATION COMPLEXES WITHIN THE SURVEY AREA**

Table 9 of Woodman Environmental's Biological Survey shows so clearly the extent of clearing of three vegetation complexes within the survey area. Forrestfield complex has 0.3% left and Southern River Complex has 1.2% left. (p36 Woodman Environmental)

**Clearing of up to 8.34ha within Bush Forever sites including 7.39ha of regionally significant bushland** (p 9 EPA Report) is a very bad outcome.

### **Three species of black cockatoo (within Terrestrial fauna)**

It is not surprising that none of the trees in the development area has evidence of black-cockatoos nesting. In relation to Carnaby's cockatoos, this is because Carnaby's cockatoos nest in the wheatbelt and rarely nest in the metropolitan area. Birdlife discourage nesting for Carnaby's in the metropolitan area because of danger from traffic.

Nevertheless, of significance is that the development area has a total of 333 trees of which 89 are planted or non-native, 13 are stag trees and 231 are native trees. Included in the native trees are 159 Marri; a significant feed tree for all three species of black cockatoo.

81.1% of the 333 trees are potential nesting trees with a sufficient diameter at breast height. Therefore these trees need protection as potential nesting trees for FRTBC.

The statement that *'The Development Envelope is, generally, of moderate to low value for foraging by FRTBC'*, does not tally with the statement that *'there was evidence to show that this species presently (and previously) uses the site for feeding.'* (P 147 Woodman Environmental). The FRTBC therefore do not consider those trees as of moderate to low value. The UBC does understand that this is a matter of definition.

Figure 15 is a valuable aid in understanding the foraging value for FRTBCs. (p148 Woodman Environmental)

Similarly, Figures 17/18 show that foraging habitat for Carnaby's Cockatoo, although described as being of 'moderate to low value', is distributed along almost the entire length of the southern and northern Development Envelope.

Carnaby's cockatoos' estimated population has dropped from 40,000 to 34,000 over a decade. (which decade not specified) (p26 Australian Birdlife Vol 12 No 3 Spring 2023)

In considering Baudin's Cockatoo, as this species uses Marri as the 'cornerstone' of its diet, again the foraging habitat ranges over almost the entire length of the proposal. In addition, there *'was extensive evidence of foraging throughout the Development Envelope'*. (Figures 20 and 21 Woodman Environmental.)

*'...it appears that there has been a disastrous halving of the Baudin's population between 2004 and 2017 (From 10 – 15,000 birds to 5 – 8,000), leading to recommendations that it be classified as Critically Endangered'* (p26 Australian Birdlife Vol 12 No 3 Spring 2023).

#### **EPA ASSESSMENT REPORT ON BLACK COCKATOOS**

Turning now to the EPA's Assessment Report on black cockatoos, the EPA describes potential impacts with the potential to significantly impact on black cockatoos (2.3.5).

Avoidance measures are to *'avoid one tree containing a suitable black cockatoo nesting hollow'* (2.3.6) One tree avoided out of 114 that are proposed to be cleared is hardly laudable. Other minimisation measures proposed or undertaken are at 2.3.7.

The UBC appreciates the assessment of the residual impact to potential breeding habitat and foraging habitat as significant for three species of black cockatoo. (p 53 EPA)

Again the UBC takes issue with the foraging habitat for Carnaby's cockatoo being designated as 'low to moderate' value, when we have been told that Carnaby's 'presently (and previously) use the site for feeding'.

The EPA states that *'consideration and quantification of significant residual impacts to black cockatoos foraging habitat aligns with the DCCEEW approval of the project under the EPBC Act'* (p 53). The UBC notes that the DCCEEW rarely protects the environment and fauna in Western Australia.

The UBC cannot agree that the EPA's recommended conditions (B2 and B5) and the proposed offsets can offset habitat that is being foraged in 'presently (and previously)'.

Even with the EPA's requirements of the proponent to update its offset strategy in consultation with DBCA, and 'with a combination of acquisition and restoration/rehabilitation'

recommendations that is necessary to counterbalance significant residual impact, the UBC cannot agree that the environmental outcome is likely to be consistent with the EPA's objective for Terrestrial Fauna.

### **Cumulative impacts**

The UBC appreciates the EPA addressing this issue. The Great Northern Highway – Bindoon Bypass project is cited by the EPA (clearing 117 trees with hollows of suitable size and a further 1,358 potential nesting trees) (p 54)

EPA advice is that there is an 'increasing need for offsets that include habitat restoration and rehabilitation of degraded areas close to the area of impact (EPA Report 1739; EPA 2024a)'.

Maintaining existing areas for the benefit of plants, animals and fungi is far superior to attempting recreation of habitat. Impacting on our environment by proposing and approving more and better roads and using the few green corridors left has no future.

The Urban Bushland Council appeals the EPA approval of this proposal.

Contact with the Urban Bushland Council WA Inc may be made to Margaret Owen on 0409 927 810

Yours sincerely

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