



Possum Centre Busselton Inc.

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The Secretary
Senate Standing Committee on Environment,
Communications and the Arts
PO Box 6100
Parliament House
Canberra ACT 2600

September 22, 2008

Via Email: eca.sen@aph.gov.au

Dear Sir or Madam

Re: **Senate Inquiry into EPBC Act**

Following your terms of reference for the above inquiry we have addressed the following issues regarding approvals under the EPBC Act impacting on the threatened species **Western Ringtail Possum (*Pseudocheirus occidentalis*)**:

1. EPBC Act in relation to the protection of critical habitats of threatened species and potential for measures to improve their recovery
2. The cumulative impacts of EPBC Act approvals on threatened species
3. The impacts of other environmental programmes

1. Critical Habitats Of Threatened Species

Only 20% of the bushland on the Swan Coastal Plain remains and is in often less than pristine condition. Apart from not being safe from further clearing; feral predators, domestic pets, invasive weeds, salinity and fire pose significant threats to this remnant bushland as suitable habitat for the Western Ringtail Possum. In addition, fragmentation through clearing leads to a high incidence of genetic isolation and low populations in isolated colonies and low reproductivity.

Even though the Western Ringtail Possum (WRP) which inhabits these areas is listed as vulnerable under the act and is therefore protected, its habitat which is crucial to its survival is not. Peppermint woodland provides habitat and the main food for this highly specialist marsupial. Peppermint (*Agonis flexuosa*) might not be a rare species yet but its decline will inadvertently lead to the decline of the species.

Examples:

- The A class reserve **Locke Estate** potentially carries the biggest, most robust and densest remaining WRP population. However, the Shire of Busselton is considering vegetation removal of between 50% and 90% for a caravan park. There is no requirement for early referral under the Act.
- **Kookaburra Caravan Park** (Busselton Foreshore) comprises the only large remaining patch in inner Busselton of mature and old-growth peppermint trees with continuous canopy that is uncleared and un-subdivided. In a zoologist's survey in November 2006 75 WRP were counted on the approximately 3 hectares of the three parts of the caravan park. Despite this unusually dense population even for Busselton, the Shire of Busselton is considering the sale for housing / tourism development and can do so without immediate involvement of DEWHA.
- Busselton's '**urban consolidation**' policy creates urban ghettos with maximum density housing. Removal of significant stands of old peppermint trees that may sustain high numbers of WRP proceeds without any DEWHA involvement. WRP is a species that is well adapted to life in an urban setting and this death by a thousand cuts could lead to local extinctions.
- Development of **3 Marine Terrace** (2007/3463) was declared a controlled action even though only 2 WRP were sighted during the most recent night survey. The conditions required of the developers were aimed at tree retention and tree planting. However, shortly after the development activities started 2 adult WRP were found injured on the lot and taken into care (later euthanized due to their injuries) and a baby WRP was found orphaned. The development effectively and quickly killed off the small resident population.

We believe that approval conditions for proposals should require mitigating measures to be taken that are aimed at improving the recovery of the species. The current "mitigating measures" of translocation, offsets and management actions can not be considered sufficient for the following reasons.

Translocation

Translocation has been regarded as a mitigating measure for far too long and has led to translocation of at least 486 animals (confirmed number not taking pouch young into account). Extrapolating from the number of monitored animals, translocation has led to very high mortality and not resulted in a net benefit for the WRP. There is no evidence to prove efficacy in ensuring the reversal of the vulnerable status.

Translocation as a necessary measure to reduce pressure on the remaining habitat (e.g. Cape View Resort - 2006/3070) is just a shifting of the problem and does not result in a net benefit.

While (enforced) developer contributions to the process have been used for research into whether translocation is successful or not, there has been no research to date that looks at the effects on any resident population during and after development activities. This should have been a condition for any approval.

Offsets

Offsets are often insufficient, not providing like for like, and in some instances the same offset is used by the proponent for several stages of the development in order to 'get away cheaply' (e.g. Dalyellup Beach Estate).

Management Plans

We also have some concerns as to the efficacy of the **implementation** of required management actions such as WRP Management Plans.

The minimum requirements for proposals that have a significant impact on WRP should include a minimum of 12 months survey baseline data to encompass the seasonal variation, as well as measurable criteria and trigger points for further action if required.

There also needs to be a set of mandatory and enforceable management actions should trigger points be breached.

If an establishment of ecological linkages is a condition for approval, clear definitions have to be provided so that e.g. linkages cannot be reverted to areas for active recreation (e.g. Dalyellup)

Approvals marked as "not a controlled action provided it is taken in a particular manner" seem not to ensure compliance to an acceptable degree (e.g. Dalyellup).

In our view the department, not a proponent, should chose independent **consultants** for all surveys and documentation necessary in the referrals process.

As only a proponent can **refer** a development under the act, proponents can 'get away' with non-referral. The possible fine might also be more economical from a developer's point of view than compliance with the act.

Only a 'person aggrieved' by a decision is entitled to seek a **statement of reasons** for that decision. We think that the process should be more open to public scrutiny.

The Draft EPBC Policy Statement Western Ringtail Possum in the Southern Swan Coastal Plain Region (February 2007) so far provides the best guide as to what constitutes a significant impact on WRP and should be implemented so that a consistent approach to assessment that conforms with the draft guidelines can be taken.

2. Cumulative Impacts Of Approvals On Threatened Species

Development and therefore referral of a proposal in stages might sometimes soften the impact; however it also leads to impact assessments of small areas in isolation and does not consider the cumulative effect (e.g. Dalyellup).

Approvals are given for individual developments and even 2 adjoining lots that have different owners are not assessed in conjunction but as individual proposals regardless of their impact on the same resident population (e.g. King Street/ Dorset Street - 2006/2774 and 2006/2787). If the whole picture is not taken into account, no benefit will come from 'controlled actions' regarding a few scattered developments.

The huge number of developments in the Busselton area leads to fragmentation of habitat or isolated pockets of habitat without any assessment of what cumulative

effect this will have in the area. All are assessed individually and some not at all because of zoning issues or non-referral. Zoning seems to be a more powerful instrument than the EPBC act.

Examples:

- The **Dalyellup Beach Estate** has been developed progressively over many years and stages 12 and 14 were, according to the referral in August 2004, the last to be developed; however even after stage 16 the development seems to be ongoing. All single referrals should have been regarded as components in a much larger action.
- **Cape View Resort** (Stage 3 2006/3070) contributed significantly to the contemporary phase of the local ringtail decline trend. The formerly high conservation values of the tall peppermint stands on site were eroded to being negligible.
Stage 2 simply destroyed occupied habitat and stage 3 diminished the remaining habitat to an extent that DEC decided to translocate a far higher number of WRP as was advised in DEH's conditions (21 instead of 10).
- **Ray Village** (last stage 2007/3533) an area of about 20 hectares of high-quality WRP habitat was intensively developed in 4 stages that made translocation of 56 WRP necessary.
- The **Broadwater** area has been identified as core WRP habitat. Development of Lot 1 (2.2 ha) was approved in 2006 retaining only 23% of the habitat (2006/3023 - not a controlled action).
Busselton Shire Council approved development of Lot 7 in November 2007. The only indication that WRP presence has been noted is given in the condition that "Clearance should be received from DEC regarding the management/removal of WRP prior to commencement of works". There is no indication that a proper WRP survey has been conducted on Lot 7 and/or adjoining habitat areas or that the development was referred to DEWHA for assessment under the EPBC act. Lots 6 and 10 will soon be developed and has not, to our knowledge, been referred under the Act. There were significant changes to the larger habitat area but we are not aware of any recent surveys.
The Broadwater Structure plan seems to allow for destruction of habitat with only minimal or late involvement of DEWHA.

3. Impacts Of Other Environmental Programmes

We applaud the great efforts invested into biodiversity conservation by environmental programmes. However we feel that without coordination and consolidation of these programmes and an assessment of them in context with the whole regional scheme, there is the risk that isolated pockets of bushland are created that have little long-term conservation values.

Yours sincerely

Uta Wicke
(Chairperson)