



tasmanian conservation trust inc

Referral Business Entry Point, EIA Policy Section (EPBC Act)
Approvals and Wildlife Division
Department of the Sustainability, Environment, Water, Population and
Communities
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15 December 2011

**Department of Infrastructure, Energy and Resources (DIER)/Transport -
land/Between Arthur River Township & Trowutta Township /TAS/ Tarkine Forest
Drive Road Upgrade
Reference Number: 2011/6210**

The TCT is pleased that the proponent of the Tarkine Forest Drive Road has acknowledged, in the Referral of Proposed Act Form (Section 5.1, page 33), that this project has the potential to have significant impacts on Matters of National Environmental Significance (MNES) and is therefore is a controlled action which must be assessed under the Environment Protection and Biodiversity Conservation Act (EPBC Act).

Overall recommendation

The TCT strongly supports the proponent's conclusion that the Tarkine Forest Drive Road is a controlled action and we urge the Australian Government to insist that the project be assessed under a full Environmental Impact Assessment pursuant to Division 6 of the EPBC Act or at least through a Public Environmental Report pursuant to Division 5 of the EPBC Act.

This project should be assessed under the most stringent process possible under the EPBC Act because of:

- the numerous MNES which may be significantly impacted (primarily threatened species) and that impacts related to roadkill can only be partially mitigated
- the lack of any standard means of assessing and mitigating roadkill
- the absence of any formal and independent state government assessment process and limited local government assessment
- the failure of the proponent to acknowledge some important impacts of the project and failure to consider important mitigation measures

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- inadequate documentation provided to the Australian Government in relation to key issues.

These points are elaborated below.

Numerous MNES may be significantly impacted

The TCT's most serious concern is that this project – which involves the upgrading of 92.7 km of road, including sealing 52km of existing gravel road and widening and sealing an additional 23.6km of existing gravel road – will significantly increase the incidence of roadkill of the EPBC Act listed endangered Tasmanian devil and the vulnerable tiger quoll and that these impacts can only be partially mitigated. This part of the north-west of Tasmania is still free of the devil facial tumour disease, the primary threat to the Tasmanian devil, and the populations in this area should not be put under additional pressure from elevated roadkill. There may also be the potential for the disease to be spread more quickly via the upgraded road.

We are also concerned that the project may significantly impact seven EPBC Act listed threatened flora species.

The lack of any standard means of assessing and mitigating roadkill

There is no standard means of assessing and mitigating roadkill in Tasmania and the effectiveness of mitigation strategies is only known with any certainty once a road is completed and at this point it can be too late to fix many problems. Australian Government involvement is vital to ensure a robust and credible mitigation strategy for roadkill is developed.

The absence of any formal and independent state government assessment process and limited local government assessment

We understand that the Tarkine Forest Drive Road Project has not been recognised by the Tasmanian Environment Protection Authority (EPA) as a level two project under the Environment Protection and Pollution Control Act and, unless the EPA changes its view of the project, it will have no role in the project's assessment. Without the EPA's involvement, the project will only be assessed by the Australian Government pursuant to the EPBC Act, and by the local Circular Head Council, pursuant to the Land Use Approvals and Planning Act.

The Circular Head Council has very limited capacity to assess some of the very complicated technical issues related to the project, in particular roadkill assessment and mitigation, and the Council is known to be a strong supporter of the project.

For these reasons it is vital to have rigorous independent assessment of this project by the Australian Government, in particular the assessment and mitigation of roadkill.

Failure of the proponent to acknowledge some important impacts and failure to consider important mitigation measures

We have a number of concerns regarding the failure to assess some potential impacts, assessments of impacts which are limited in scope and failure to consider some important mitigation measures. We have made specific recommendations regarding these concerns.

Roadkill

The proponent has failed to identify how it will ensure that any mitigation measure which involves installation of particular road architecture, e.g. signs, rumble strips etc, will be maintained and/or replaced through the life of the road. Recently, the TCT received a report that the Circular Head Council has been very tardy in repairing damaged road architecture installed on the Marawah Road for the purpose of reducing roadkill of Tasmanian devil.

Recommendation: The Australian Government should require the proponent to ensure that roadkill mitigation measures which involve installation of road architecture will be maintained and/or replaced through the life of the road to maximise effectiveness.

The proponent has also failed to identify 'legislated' speed limits for traffic as a possible roadkill mitigation measure. In the Referral of Proposed Project Form (page 31) the proponent refers to "measures to change driver behaviour (e.g. slowing traffic)" but we interpret this to mean rumble strips or suggested safe speed limits. There is no commitment to legislated speed limits for roadkill mitigation purposes.

We understand that research has been done in Tasmania which shows that speeds of 40-45km/hour provide a high probability that all drivers can break safely and avoid a devil.

Recommendation: The Australian Government must require that, if all other possible measures are not feasible or are inadequate, that legislated speed limits be implemented as a roadkill mitigation measure to protect EPBC Act listed threatened species. These may be applied at the outset of the project or retrospectively in the event that other mitigation measures prove ineffective.

Threatened flora

In regard to threatened flora species, the proponent states in the Referral of Proposed Project Form (pages 30-31) that "Where feasible, threatened plants will be avoided" and "If they cannot be avoided, the amount to be impacted will be kept to a minimum practical level consistent with good road design".

There are populations of seven EPBC Act listed threatened flora species located near to the existing road and the proponent admits that these species may be impacted by the proposed road upgrades. Two species are critically endangered and four are endangered. For such highly threatened species, it is not good enough that the only option provided where impacts cannot be avoided, is to minimise the impact "consistent with good road design". The obvious alternative which the proponent has not offered is to re-route sections of the road where less impact or no impact would result. This would require widening the survey area or allowing for subsequent surveys on a case by case basis where significant impacts are identified.

Recommendation: The Australian Government should require the proponent to re-route sections of the road where this results in less impact or no impact on threatened flora.

Arthur-Pieman Conservation Area

The documentation provided fails to identify and assess the potential indirect impacts of the project on threatened and migratory shorebirds and other beach nesting birds known to occur in the Arthur-Pieman Conservation Area (APCA). If the proposed road upgrade increases the number of people visiting the APCA, which is the stated goal of the project, then it can be safely assumed that some of these additional visitors will drive on beaches of the APCA (legally and illegally) and may have a significant impact on populations of EPBC Act listed threatened and migratory bird species including the little and fairy terns.

Recommendation: The Australian Government must require that the proponent assess the potential impact on MNES from an increase in visitors to the Arthur-Pieman Conservation Area and offer mitigations measures.

The inadequate documentation provided to the Australian Government

Regardless of the assessment level required by the Australian Government, the documentation provided in regard to roadkill and threatened flora is totally inadequate and we strongly recommend that the project not be assessed solely on the documentation currently provided.

The roadkill mitigation strategy is yet to be produced and cannot until completion of the promised mitigation trials and analysis of data from roadkill monitoring, headlight survey and traffic counts (referred to on page 30 of the Referral of Proposed Project Form).

Studies have not been done to determine whether there will be impacts on populations of EPBC Act flora species and, if so, the amount of impact and specific mitigation measures that may be required.

It is vital that the Australian Government does not approve this project until it has received a comprehensive assessment and mitigation strategy for roadkill impacts and for threatened flora.

Yours sincerely,



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Director
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