

Phoebe Corke

Ian Munroe
Compliance Division
Environmental Protection Agency
Level 8, The Atrium
168 St George's Terrace
Perth 6000

Tuesday 24th January 2017

Dear Ian

ROE HIGHWAY EXTENSION – Ministerial Statement 1008, EPBC Act Referral 2009/5031 – Request to halt or 'stop the work until issues raised are resolved.

I am writing to you as a concerned local resident about breaches of compliance with the Fauna Management Plan and the Construction Environmental Management Plan by the Building Roe 8 contractors.

DUST MANAGEMENT

The vast majority of clearing and mulching has taken place without any watering taking place. Even when a watering truck has been on site - and frequently there has been no watering truck - it has not been used. To date, having questioned a great many people involved in the No Roe 8 campaign, there has only been one occasion when water was used to suppress dust and even then, the amounts used were insufficient to have any effect.

The Construction Environmental Management Plan states, section 2, table 6, that "Water carts are to be operational at all times in dry and windy conditions (October to April)" and to "commence dust suppression immediately on visual evidence of dust lift".

19th December 2016 clearing commenced at the eastern end of the Coolbelup site on. There was no water cart on site this day or on the following days when machinery was working prior to the Christmas break.

12th January 2017 clearing commenced at the west end of the Coolbelup site. There was no water truck on site. Mulching commenced at the west end of the Coolbelup site, there was no water truck on site.

13th January 2017 clearing continued at the east end of the Coolbelup site on with no water truck adjacent. Mulching continued at the west end of the site, there was a water truck outside the concrete barrier, it did not enter the site.

16th January 2107 mulching continued throughout the entire Coolbelup site. A water truck was present at the east end of the site but it was not used.

17th January 2107 mulching continued at the west end of the Coolbelup site without a water truck being used. Bulldozing of the roundabout and slip road area commenced at the east end of the site, a water truck was present but not used.

18th January 2017 mulching continued at the west end of the Coolbelup site without a water truck being used. Bulldozing of the roundabout and slip road area continued at the east end of the site, a water truck was present and used for the first time but inadequately. Intermittent watering of the area was insufficient to dampen the dust.

Afternoon of 18th January 2017 clearing commenced in the area between North Lake Road and Progress Drive. There was no water cart on site.

19th January 2017 clearing continued in the North Lake Road and Progress Drive site. No water cart was utilised.

20th January 2017 clearing continued in the North Lake Road and Progress Drive site. No water cart was utilised.

21st January, west side North Lake Road



21st January, west side North Lake Road



17th January from Coolbelup Avenue end



19th January, east side North Lake Road



ASBESTOS CONTAMINATION

As you are aware a great deal of asbestos contamination has been found throughout the project site. Clearing has commenced without this contamination being addressed. Asbestos has been removed from the site both during and post-clearing creating an unacceptable health risk.

Asbestos removal took place from the Malvolio site on the afternoon of 13th January whilst clearing was taking place. The following two photographs were taken that afternoon on Malvolio Road, opposite number 20.



The following three pictures were taken from the east side of North Lake Road on the morning of 20th January post clearing the previous day.





This clearly poses a risk to public health, let alone the health of construction workers and the police.

NON-COMPLIANCE WITH THE FAUNA MANAGEMENT PLAN

I have evidence of bandicoots still being trapped up to 90 minutes before clearing commenced in both the areas that have been cleared to date.

13th January 2017: bandicoots are removed from the Coolbelup bushland approximately two hours before clearing commenced. The picture below shows bandicoots in bags.





11.00am on 18th January the trappers' ute containing full bandicoot cages exits the east end of the Progress Drive site, picture below. Clearing commenced at @ 4pm that day.



3.35pm on 18th January. This picture shows the trappers ute leaving the west end of the Progress Road site with full cages 90 minutes before clearing commenced.



The Fauna Management Plan, section 4.2.1 (1) states that:

1. The number of Southern Brown Bandicoots trapped per trapping night. The purpose of the monitoring protocol is to ensure that the trapping program continues until no Southern Brown Bandicoots are caught for at least two consecutive trapping nights or as otherwise determined by a trapping expert.

Section 5.1 of the plan states:

"Minimise impacts of construction activities on the Southern Brown Bandicoot through the successful implementation of a trapping and relocation programme."

In addition table 7 states:

Traps will be checked in the morning prior to closure and then reopened in the afternoon, regardless of temperature

If the traps were closed during the day bandicoots could not have been trapped and removed at 3.35pm.

Table 8 states: To confirm no Southern Brown Bandicoots have been trapped for two consecutive nights.

Table 9, contingency actions, states it is the responsibility of the Environmental Manager that where: Southern Brown Bandicoots are still being trapped for 2 consecutive nights after the 3-4 day trapping program is completed" action to be undertaken is:

1. Seek the advice of a fauna expert.
2. Implement any new recommendations which may include extending the trapping program until the number caught each night significantly reduces.

The trapping program was not extended despite bandicoots being removed from the site 90 minutes prior to clearing.

NETTING OF THE FENCES

Table 7 of the Plan states that during construction:

Install fauna fencing to exclude terrestrial vertebrate fauna from the construction footprint and the operational highway.

Fauna fencing will:

- comprise of a mesh fence to a height of no less than 1.2 m and be dug into the ground to a depth of no less than 350 mm
- include temporary fauna fencing during construction, but will conform to the standards required for permanent fencing
- be designed to exclude the Southern Brown Bandicoot within the development envelope
- include escape gates to allow fauna trapped in the road reserve an exit route.

No netting at all was used at any time at the Coolbelup site.

North west end Malvolio Road



North east end Coolbelup site



Partial netting was used at the Progress site:

North East side North Lake road



South side Progress Drive



Partial netting is being used at the site at the east end of Hope Road:

East end of Hope Road site



West end of fence at Hope Road site



The following three pictures show clearing taking place with no netting on the fences on 20th January:





Where netting is being used it is not being dug into the ground as required in Table 7 but is being covered with dirt.

This picture was taken in the north east corner of the fencing near the Kissing Gate in the wetlands area on Saturday 21st January and shows the netting has not been dug in.



The following two pictures are from other parts of the wetlands site, taken on Monday 23rd January, also showing that the netting has not been dug in but covered with soil to prevent it blowing up in the wind.



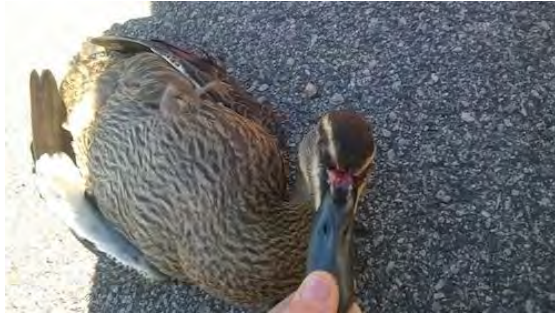
This picture of a dead bandicoot by netting covered with dirt and not dug in was taken on 17th January in the Progress Road site:



I have attached an excel file with details of some of the other dead bandicoots that have been found. I have reports of many more. In addition other species are being found dead such as this Tawny Frogmouth, pic 20th January:



and this duck found yesterday morning, 23rd January, having flown into a temporary fence.



I would also like to report an incident that took place at the Kissing Gate on Hope Road at 6.30am on the morning of Sunday 22nd January 2017. Two local residents, walking their dog, saw two trappers leave the site carrying hessian bags. The trappers approached one of the security guards and opened the bag, showing him the contents. When the local residents remonstrated with the trappers, pointing out that this was causing unnecessary distress to the already traumatised animal they ignored them and continued to show the bag to the security guard.

Given this incontestable evidence of non-compliance with both the Construction Environmental Management Plan and the Fauna Management Plan I call upon the Environmental Protection Agency to immediately call a halt to all work on the Roe 8 construction site until these clear breaches of the Plans have been investigated.

I look forward to hearing from you soon.

Yours sincerely

Phoebe Corke

Attachments: Non-compliance timeline
Dead bandicoot data

Wednesday 25th January 2017

Dear
EPA Compliance division

I am writing further to my email to Ian Munro yesterday with the above title which contained a document outlining a large number of incidents of non-compliance with the Fauna Management Plan and the Construction Environmental Management Plan by the Building Roe 8 contractors.

Since I wrote yesterday I have identified further breaches of compliance. The contractors are currently fencing and trapping in the wetlands area of the proposed road site.

The fenced area is being divided into sections by cross fencing. Trapping in section one, closest to the Kissing Gate, commenced on Saturday 21st January.

I believe that trapping in the second section commenced on Monday 23rd January. The two photographs below were taken at the north west corner of section two, east of section one, at approximately 6.30pm yesterday evening, Tuesday 24th January, showing that the area being trapped is not fully enclosed in contravention of Table 7 of the Construction Environmental Management Plan, please see below.





The following two photographs, taken a few moments later on the south west corner of section two shows the edges of the fence netting is not dug into the ground again contravening table 7 of the Construction Environmental Management Plan which states:

Fauna fencing will:

- comprise of a mesh fence to a height of no less than 1.2 m and be dug into the ground to a depth of no less than 350 mm
- include temporary fauna fencing during construction, but will conform to the standards required for permanent fencing



In addition, at 3.30pm this afternoon, 25th January, I witnessed clearing at the east end of Hope Road at the site known as Gilchrist/Freeway. As can be seen from the photos below water suppression is not being used. Please see The Construction Environmental Management Plan, section 2, table 6. There is a water cart on site but it is not being utilised. In addition, the third photograph shows blue plastic covering what I presume to be asbestos or other contamination in an area that has already

been cleared.





Given this evidence of non-compliance with both the Construction Environmental Management Plan and the Fauna Management Plan I call upon the Environmental Protection Agency to immediately call a halt to all work on the Roe 8 construction site until these clear breaches of the Plans have been investigated.

I hope to hear from you very soon.

Yours faithfully

Phoebe Corke

Phoebe Corke,

Phoebe Corke

Environmental Protection Agency

Friday 27th 2017

Dear

ROE HIGHWAY EXTENSION – Ministerial Statement 1008, EPBC Act Referral 2009/5031 – Request to halt or ‘stop the work until issues raised are resolved.

Further to our telephone conversation at 4pm this afternoon I am writing to you with further incidents of breaches of compliance with the Fauna Management Plan and the Construction Environmental Management Plan by the Building Roe 8 contractors today, 27th January 2017. When I spoke to you said that the EPA has an “assumption that the contractors are doing the right thing”, that “as far as you are aware everything is being done in accordance with the Plan”, that “we’ve not received any indication that they have gone against the Plan” but that “if they have gone against the Plan you will deal with it when it comes up.”

I am attaching my letter to Ian Munro dated Tuesday 24th January and my email to you dated Wednesday 25th January outlining a great many breaches of compliance. I understand that you are operating with “limited resources” and “are looking into it” but I would like to again stress that time is of the essence here.

It is my understanding from the contracting company and the police that they are planning to clear Stage 2 of the Wetlands site tomorrow, Saturday 28th January, and that this decision was taken before they had been given EPA approval. When I spoke to you at 4pm you said that you had not yet received the trapping data for Stage 2. The earliest that trapping commenced in that area was on Monday 23rd January which would make a maximum of 5 nights trapping before clearing. As I am sure you are aware this is the absolute minimum period for a successful trapping program. When I visited the site on the evening of Tuesday 24th January I was able to walk straight into the Stage 2 as there was a missing section of fence on the firebreak track.

The Fauna Management Plan, section 4.2.2 Southern Brown Bandicoot states:

7. Each trapping program will be undertaken for at 3 - 4 days and will continue until no Southern Brown Bandicoots are caught for 2 consecutive trapping nights or as otherwise determined by a fauna expert.

I do not have photographic evidence but I have a witness who saw bandicoots being removed from Stage 2 early this morning. The two clear nights has not been achieved and cannot be achieved by tomorrow morning.

It is also being suggested that clearing will take place in Stage 3 within the next couple of days. Trapping in Stage 3 did not commence until Wednesday 25th January, trapping in Stage 4 started today, the fencing in Stage 5 is not yet completed.

I would like to enquire how it is possible for the contractors to plan a clearing schedule for the wetlands Stages 2 onwards when, to date, no successful trapping periods have been completed?

DUST MANAGEMENT

In addition to the breach of section 4.2.2 of the Fauna Management Plan there were, again, a number of breaches of the Construction Environmental Management Plan dust management protocols today Friday 27th January. The Plan states, section 2, table 6, that “Water carts are to be operational at all times in dry and windy conditions (October to April)” and to “commence dust suppression immediately on visual evidence of dust lift”.

Clearing this morning was in the Gilchrist/Freeway site. While there was a water truck on site, its use was inadequate and the levels of dust constituted a health risk.



When clearing commenced in Stage 1 in the wetlands site, half the area was cleared before the water truck arrived.



CONTAMINANTS

During clearing of the Gilchrist/Freeway site this morning the bulldozer punctured a barrel that was lying in the undergrowth. The Construction EMP, section 2.4.5 Contingency actions states that when:

Contaminating materials identified during construction activities

The action to be taken is:

1. Cease work and notify site supervisor.
2. Investigate cause.
3. Contain site of potential contamination (e.g. bunding) to prevent any spread of contaminants and fence to prevent any unauthorised access until status of the material has been confirmed and corrective actions implemented (if required).
4. Sample and analyse material to confirm contamination status of material and remediation requirements.
5. If contamination confirmed, report to DER.
6. Develop and implement Remediation Action Plan if required on advice from DER.
7. Work will commence once the status of the material has been confirmed and corrective actions implemented (if required).

The bulldozer continued to clear as the barrel leaked unidentified liquid:



It was not until the bulldozer had cleared that area that any attempt was made to deal with the potential contaminant:



Given these breaches of compliance of both the Fauna Management Plan and the Construction Environmental Management Plan and the imminent breach of the Fauna Management Plan section 4.2.2 should clearing be allowed to go ahead tomorrow, Saturday 28th January, I again call upon the Environmental Protection Agency to immediately call a halt to all work on the Roe 8 construction site until these clear breaches of the Plans have been investigated.

Yours sincerely

Phoebe Corke

Attachments:

Letter to Ian Munro, 24th January

Email to 25th January

Non-compliance timeline

Deceased bandicoot data

Email sent Saturday 28th Jan

Dear

I am writing to you further to my emails to you dated 25th and 27th January and my email to Ian Munro dated 24th January.

I wish to bring to your attention to further breaches of the Fauna Management Plan recorded today, Saturday 28th January.

The first photograph was taken at 11.30am this morning and shows an open bandicoot trap. Due to the construction fencing it was difficult to take a picture from an angle that shows the front of the trap but I had two friends with me and all of us could clearly see that the trap was open. The temperature today is forecast to reach a high of 39°C. I draw your attention to Table 7 of the Plan which states that:

□ in hot weather (i.e. above 30°C and/or for consecutive days) traps will be closed after checking and reopened in the late afternoon to avoid captures in the heat of the day which can result in mortality



The following photographs, also taken this morning, show fencing in the southern section of Stages 4 and 5. No attempt has been made to dig the netting into the ground at any point along this section. Table 7 of the plan states:

Fauna fencing will:

- comprise of a mesh fence to a height of no less than 1.2 m and be dug into the ground to a depth of no less than 350 mm
- include temporary fauna fencing during construction, but will conform to the standards required for permanent fencing







I would also like to record that traps were being set in Stages 4 and 5 of the Wetlands site today, Saturday 28th January. Table 7 of the Plan, under the parameter for Trapping and Translocation Program –Southern Brown Bandicoot states that:

□ each trapping program will be undertaken for 3 - 4 days and will continue until no Southern Brown Bandicoots are caught for 2 consecutive trapping nights or as otherwise determined by a fauna expert

Therefore the absolute earliest that Stages 4 and 5 can be cleared is Tuesday 31st January - and then only if bandicoots are only caught tonight, the first night of trapping and none are caught thereafter.

I would like to enquire again how it is possible for the contractors to plan a clearing schedule for the Wetlands Stages 3 onwards when, to date, no successful trapping periods in those Stages have been completed?

Given the extreme urgency of this matter I trust you will give it your immediate attention.

Yours sincerely
Phoebe Corke

30th January 2017

Dear

Further to our conversation this afternoon I would be grateful if you would confirm to me the following points:

The EPA does not grant any individual licences for clearing on the Roe 8 site. The project licence covers all clearing to be done within the project envelope and is for the duration of the project.

Any clearing decisions are based on the decision of a fauna expert, sub-contracted by the project contractors, regardless of whether the requirement has been met of a 3-4 day trapping program continued until no Southern Brown Bandicoots are caught for two consecutive trapping nights.

I hope to hear from you soon.

Yours sincerely

Phoebe Corke

Ian Munro
Compliance Division
Environmental Protection Agency
Level 8, The Atrium
168 St George's Terrace
Perth 6000

Friday 3rd February 2017

Dear Ian

ROE HIGHWAY EXTENSION – Ministerial Statement 1008, EPBC Act Referral 2009/5031 – Request to halt or 'stop the work until issues raised are resolved.

Sorry I missed your call yesterday, I hope you had a good break.

In your absence I sent a number of letters and emails to your colleague . I have received no replies to these communications but I did manage to speak to on the telephone on Tuesday 30th January. In this conversation he said that:

The EPA does not grant any individual licences for clearing on the Roe 8 site. The project licence covers all clearing to be done within the project envelope and is for the duration of the project.

Any clearing decisions are based on the decision of a fauna expert, sub-contracted by the project contractors, regardless of whether the requirement has been met of a 3-4 day trapping program continued until no Southern Brown Bandicoots are caught for two consecutive trapping nights.

So in effect he was saying that despite the fact that this project was given environmental approval based on stringent conditions laid down by the EPA in the various Management Plans, the contractors do not have to follow these plans. I would be grateful if you could confirm this to me in writing.

I am extremely concerned that the trapping program has been incompetent at best.

The extremely low numbers of southern brown bandicoots being caught is due to poor trapping methods. To maximise catch traps should be set along visible fauna trails in a line. Instead traps are being set in the most easily accessible places and are set together, in a cluster. Where necessary the trappers just trample the grass to make space for a trap without regard to bandicoot trails.

Due to the easier access in these areas security guards are often close to the traps at night. The cluster of 5 traps in the south-east section of Stage 6 has an overnight guard positioned about 8 meters away. The guards are constantly calling out to each other and walking around.

In addition night works have been being carried out in the near vicinity, requiring flood lights to be on until late at night causing a massive reduction in potential trapping hours.

Not one bandicoot has been caught in these traps since trapping began 3 nights ago but I saw a bandicoot walking past the traps yesterday (Thursday) at 5.30pm. The bandicoots are in the area but the inefficient setting of the traps means they are not being caught.

On Wednesday, 1st February, when the temperature rose to 39°C, a bandicoot trap in the south-east corner of Stage 6 was left open for the majority of the day. Table 7, Management Measures for Fauna, of the Fauna Management Plan states:

- in hot weather (i.e. above 30°C and/or for consecutive days) traps will be closed after checking and reopened in the late afternoon to avoid captures in the heat of the day which can result in mortality

Turtle trapping at this time of year is also extremely ineffectual as in the warm months Oblong Turtles bury themselves in the mud, where they remain. According to an turtle expert trapping should be for a minimum of two to three weeks and should take place in the autumn and winter, not in the summer. The turtle traps in Stage 5 were set for only two nights and were set too high in the water for effective trapping even in the correct season.

The pit/bucket traps are correctly set up but the runs are too short and they are in the wrong locations. They will only catch whatever walks in from a short radius and again appear to have been set without regard to water locations and placed according to ease of access rather than reptile movement. They are also insufficiently camouflaged.

The fence netting, as in every previous stage, in Stage 6 is compliant in some areas and not in others. Table 7 of the Plan states that during construction:

Install fauna fencing to exclude terrestrial vertebrate fauna from the construction footprint and the operational highway.

Fauna fencing will:

- comprise of a mesh fence to a height of no less than 1.2 m and be dug into the ground to a depth of no less than 350 mm
- include temporary fauna fencing during construction, but will conform to the standards required for permanent fencing
- be designed to exclude the Southern Brown Bandicoot within the development envelope
- include escape gates to allow fauna trapped in the road reserve an exit route.

The trapping program throughout this project to date has been tokenistic. This has resulted in extremely low numbers of fauna captured with high mortality rates.

Dust management: I refer you to my previous letters and emails, attached to this email. Throughout clearing in the wetlands whilst a water cart has been on site there has been no dust suppression.

Dieback protocols: Stage 4 of the wetlands site is uninterpretable, Stage 3 is uninfected. On Wednesday 1st February police vehicles, worker utes and police horses were passing back and forth between the two stages without any form of wash-down

hygiene taking place. In addition the cherry picker and the bulldozer both left Stage 4 and returned west without any form of wash-down hygiene occurring.

I draw your attention to the Construction Environmental Management Plan, page 12, Risk Assessment, Table 9, Disease and pathogen management actions. Not one of the required management actions in this table has been implemented.

In addition, please see page 15 of the CEMP, Table 11: Contingency actions for disease and pathogens management. Not one of the procedures outlined in this table has been adhered to.

Clearing of Stage 6, which contains irreplaceable Melaleuca trees and has been ineffectually trapped, is planned for Monday 6th February, 34 days before the State election. Clearing of the west end of the project envelope is planned for later in the week.

Given this incontestable evidence of non-compliance with both the Construction Environmental Management Plan and the Fauna Management Plan I call upon the Environmental Protection Agency to immediately call a halt to all work on the Roe 8 construction site until these clear breaches of the Plans have been investigated.

I look forward to hearing from you soon.

Yours sincerely

Phoebe Corke

Attachments:

Letter to Ian Munroe 24th January 2017

Email to 25th January 2017

Letter to 27th January 2017

Email to 28th January 2017

Non-compliance timeline 23rd January 2017

5th February 2017

URGENT, ROE HIGHWAY EXTENSION - LIVE BANDICOOTS STILL IN
STAGE 6 - CALL FOR SUSPENSION OF WETLANDS CLEARING

Dear Ian, I hope you are well.

I wish to draw your urgent attention to the following time-stamped photographs.

The first photo shows a bandicoot in a trap in Stage 6 of the wetlands at 7.28pm on the evening of Friday 3rd February.

The second shows an untrapped bandicoot wandering in the same area at 7.38pm on the evening of Friday 3rd February.

The Fauna Management Plan, section 4.2.1 (1) states that:

1. The number of Southern Brown Bandicoots trapped per trapping night. The purpose of the monitoring protocol is to ensure that the trapping program continues until no Southern Brown Bandicoots are caught for at least two consecutive trapping nights or as otherwise determined by a trapping expert.

Only one bandicoot was caught on the morning of Saturday 4th February - the one pictured in the trap. As clearing is due to commence tomorrow, Monday, morning, and cannot commence until there have been two clear nights with no bandicoots caught, I assume that no bandicoots were trapped over the night of Saturday 4th February. This means that the other bandicoot pictured has not been caught.

As I said in my letter of 3rd February the extremely low numbers of southern brown bandicoots being caught is due to inefficient trapping methods. In addition to poorly placed traps there is considerable noise through the night from the security guards and, for the past two nights, the entire area has been floodlit all night.

All the bandicoot traps from the south west section of Stage 6 have been removed this afternoon, Sunday. There are currently only 4 bandicoot traps in the entire Stage 6 area. I have been informed by a fauna trapping expert that it is not unknown, towards the end of a trapping program, to remove traps from areas where bandicoots have not been caught for several nights. But the cages have been removed from the area where a bandicoot was caught on Friday night - and where the other bandicoot was seen. The most significant trapping area has been left with no traps in order to ensure a clear night so that clearing can commence in the morning.

Given this evidence that there are still live bandicoots in Stage 6 and that the traps have been removed from the most significant trapping area before two clear nights have been achieved I respectfully call upon you to suspend all clearing in Stage 6 until a thorough and professional trapping program has

been completed.

I hope to hear from you shortly.

Best, Phoebe



Phoebe Corke,

www.phoebecorke.com

6th February 2017

Hi Ian, hope you are well. I had hoped to receive a response from you to one of my emails by now.

I wish to draw your attention to further breaches of compliance on the Roe Highway Extension project.

The first two sections of the west end of the Roe Highway Extension are due to be cleared tomorrow morning, Tuesday 7th February. The following two photographs show fencing in these two areas. No fencing in any part of the west end of the project site has been netted.

Table 7 of the Plan states that during construction:

Install fauna fencing to exclude terrestrial vertebrate fauna from the construction footprint and the operational highway.

Fauna fencing will:

- comprise of a mesh fence to a height of no less than 1.2 m and be dug into the ground to a depth of no less than 350 mm





Whilst it was a relief to see that additional bandicoot traps have been set in Stage 6 of the wetlands site, particularly in the area I highlighted in my email last night, Sunday 5th February, it is still alarming that there are floodlights operating in this area all night. The following three photographs were taken at 5am this morning. One of the three trapping areas in the stage is directly behind the illuminated trees. In addition there are security guards stationed very close to this trapping area and to the trapping area in the south west corner of Stage 6.

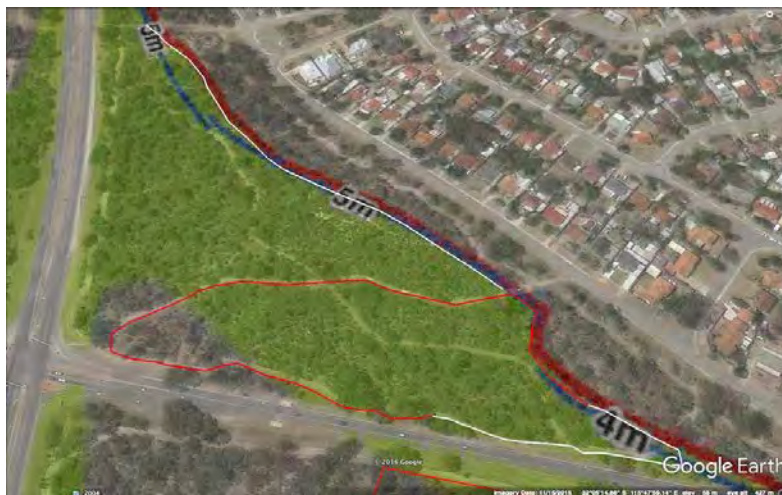




I would also like to draw your attention to the areas currently being fenced in the west. The following two images show the designated areas for clearing of native vegetation highlighted in green, taken from the Project Infrastructure Plan and overlaid onto Google Earth. The thin red line on both maps shows the construction fence that has been erected in the past week. This is accurate as it has been pin-pointed by GPS.

The white line in the second image is where the fence will be continued - orange fence footings have already been laid out.

The fence, marked by the thin red line, clearly includes areas that are not designated for clearing as the fence line includes areas that are not highlighted in green. The fencing does however correspond with the map of the Project Development Envelope, also contained in the Infrastructure Plan. Is it possible that the construction company is using the wrong map for reference when setting the fences?



Given these further breaches of compliance and that protocol has not been followed in the areas due to be cleared in the morning, I once again ask that work be suspended on this project until a thorough investigation has been undertaken.

Yours sincerely,

Phoebe Corke

Phoebe Corke,

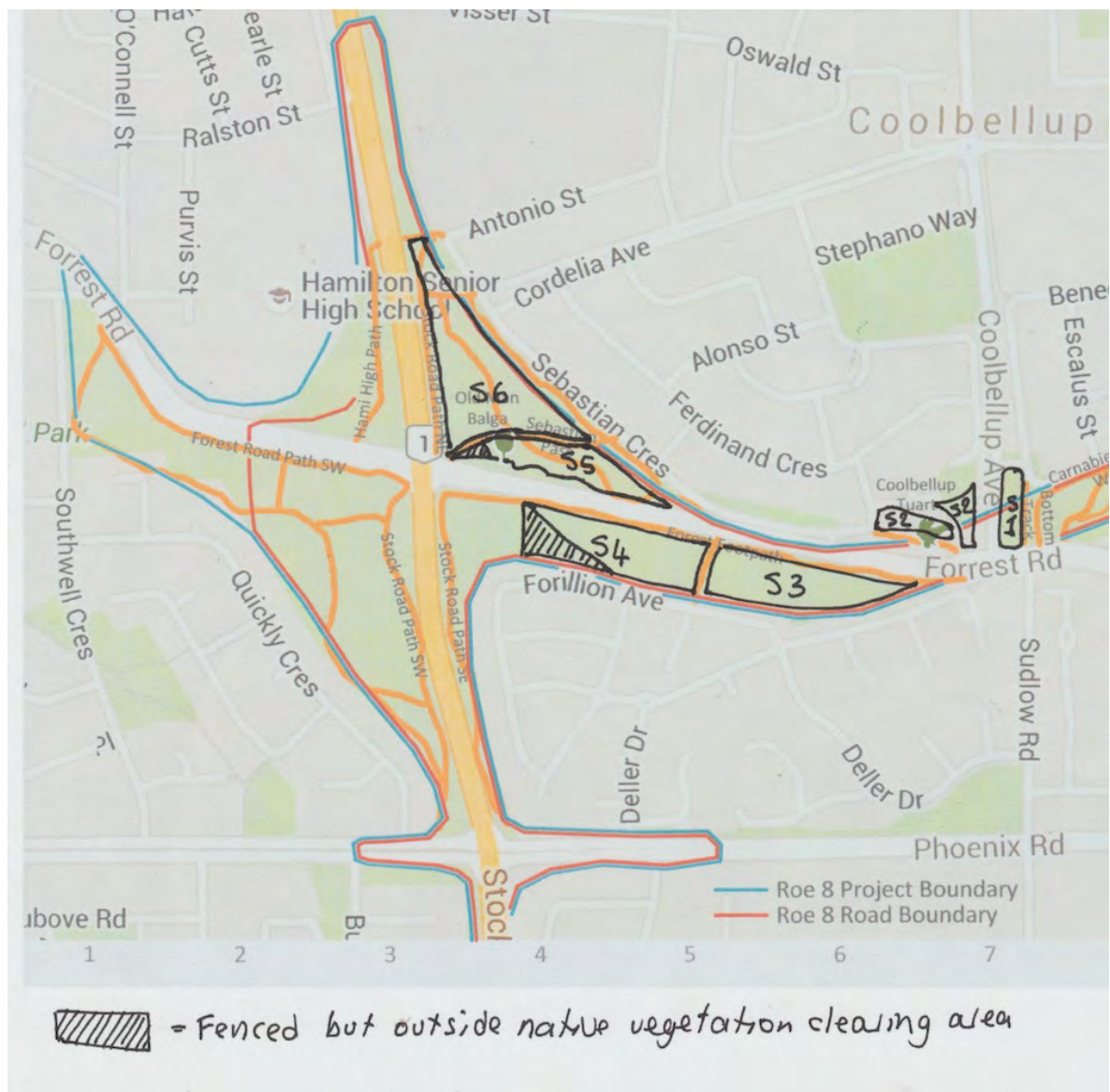
www.phoebecorke.com

10th February 2017

Dear Ian, hope you are well. Thank you again for calling me yesterday to discuss the breaches of dieback protocol. I look forward to your follow-up call on this matter.

I wish to bring your urgent attention to several more breaches of the Fauna Management Plan.

I am attaching a map of the current fencing on the west end of the project as I am unaware of the constructors' labelling of this area.



Unfortunately the photo I have of a bandicoot being caught in S3 on the morning of Thursday 9th February is too blurry to be submitted so I only have a verbal witness but he clearly saw a bandicoot being removed from a trap yesterday morning. Traps have been packed away in that area this morning ready for clearing later today. This does not follow Table 7 of the FMP which states:

- each trapping program will be undertaken for 3 - 4 days and will continue until no Southern Brown Bandicoots are caught for 2 consecutive trapping nights or as otherwise determined by a fauna expert

In addition we experienced very heavy rain in this area last night (Thursday 9th February). Table 7 also states:

- in periods large volumes of rain traps will be closed after checking and reopened in the late afternoon to avoid capturing and drowning due to flooding

I assume there is an error in this Management action as fauna are just as likely to drown in a trap at night as during the day so traps should have been closed last night and therefore a clear night of trapping cannot have been determined. In addition, given that a bandicoot was caught in the area yesterday morning, two clear nights cannot have been achieved even had it not been raining. Heavy rain, and potential for flash flooding in the southern suburbs, has been forecast for today so traps should also be closed today.

In addition, none of the fencing in the entire west end of the project has been netted.

Table 7 of the plan states:

Fauna fencing will:

- comprise of a mesh fence to a height of no less than 1.2 m and be dug into the ground to a depth of no less than 350 mm
- include temporary fauna fencing during construction, but will conform to the standards required for permanent fencing

I therefore call upon you to suspend clearing of S3 until two clear nights have been determined and the netting issue has been rectified.

Traps went into S5 on Wednesday 8th February. Given that traps should have been closed last night this means that under no circumstances can this area be cleared before Monday at the earliest. Traps have not yet been set in S6 as the area is not yet fully fenced. There is no netting on the fences in any of the areas yet to be cleared.

As I mentioned on the telephone the water truck did not arrive on site yesterday (Thursday 9th February) until two and a half hours after clearing commenced. Whilst there was light rain at the time this was not sufficient to dampen the soil. When S1 and S2 of the west end section were cleared on Tuesday 7th February the water truck was only on site intermittently. Please see Table 6 of the Construction EMP for Dust Management Actions. The photo shows dust rising in a residential area during clearing of S1, west end, with no water truck on site.



In addition, as we discussed yesterday, the bulldozer was given a cursory clean with a spade whilst still inside Stage 6, an uninterpretable dieback area, in the wetlands.



I draw your attention to Table 9 of the Construction EMP which states:

Inspect vehicles and machinery prior to entry/exit into the site and prior to exit from infested, unmappable and uninterpretable areas that may contain dieback to ensure it is free from soil/organic material.

It was then put on a truck and transported to the west end. It was unloaded at the intersection of S3 and S4. You can clearly see that the cleaning whilst still in the wetlands area was superficial at best.





Without any cleaning happening it was then driven straight into S4 where it was then cleaned, already within the site, with no platform, no contingency for water run off, and without the bulldozer being moved forward so that the underside of the tracks could be cleaned. Table 9 also states:

Ensure runoff from washdown areas is contained, to prevent the spread of disease.

There was no containment of the run off water and the bulldozer was not in a wash down area.

The bulldozer then commenced clearing - with soil from S6 wetlands still on the underside.



In addition to the bulldozer leaving the wetlands covered with potentially infected soil and being driven straight into another site, all other vehicles entering and leaving the wetlands site have not been inspected or cleaned. Police cars and workers utes, the water truck, police horses - no inspection or hygiene has been carried out.

Given this evidence of non-compliance with both the Construction Environmental Management Plan and the Fauna Management Plan; and heavy rain forecast, with potential for flash flooding in the southern suburbs, I request that the Environmental Protection Agency immediately call a halt to native vegetation clearing on the Roe 8 construction site until these clear breaches of the Plans have been resolved.

I look forward to hearing from you soon.

Yours sincerely

EndFragment

Phoebe Corke,

www.phoebecorke.com

10th Feb 2017

Hi Ian, thank you for today and sorry to bother you again.

This morning, Friday, before it was decided that clearing would not take place in section 3 west (see map attached), traps were pulled out, although not removed from the area.

Given the weather conditions trapping should not have occurred last night, during the day today, and should not occur tonight.

I have been informed that a decision as to whether section 3 will be cleared tomorrow, Saturday, will be taken in the morning and the trappers are currently on site, presumably resetting the traps.

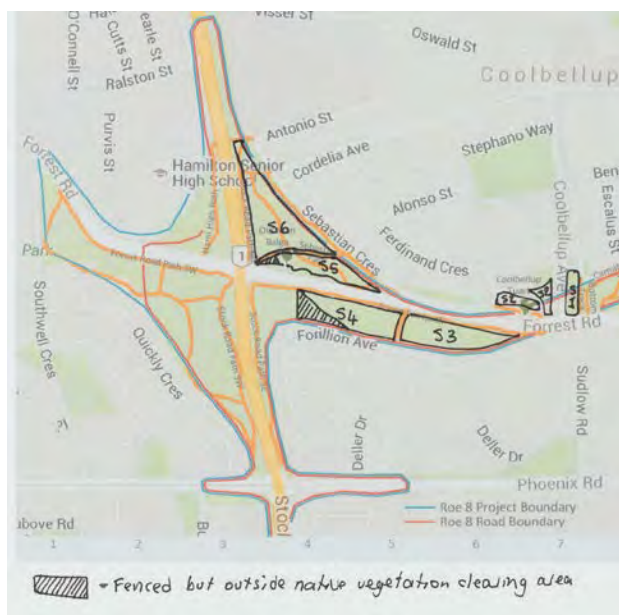
I would be very grateful if you could assure me that there will be no clearing on the Roe 8 site tomorrow as it is not possible for a successful trapping program, as outlined in Table 7 of the Fauna Management Plan, to have been completed in either of the two fenced areas that are currently being trapped.

I hope to hear from you before close of business today.

Best, Phoebe

Phoebe Corke,

www.phoebecorke.com



12th February 2017

Dear Ian, I hope you are having a good weekend.

Contrary to protocols S3 was cleared on Saturday despite two nights of heavy rain immediately before clearing took place. During extreme weather traps should be closed. Over these two nights Perth experienced some of the highest levels of rainfall on record.

Section 7.4 of the DPaW Standard Operating Procedure for Elliott traps for live capture of terrestrial vertebrates states:

7.4 Weather

All small animals are susceptible to exposure in traps, including cold dry weather (e.g. phascogales as reported by Traill and Coates, 1993).

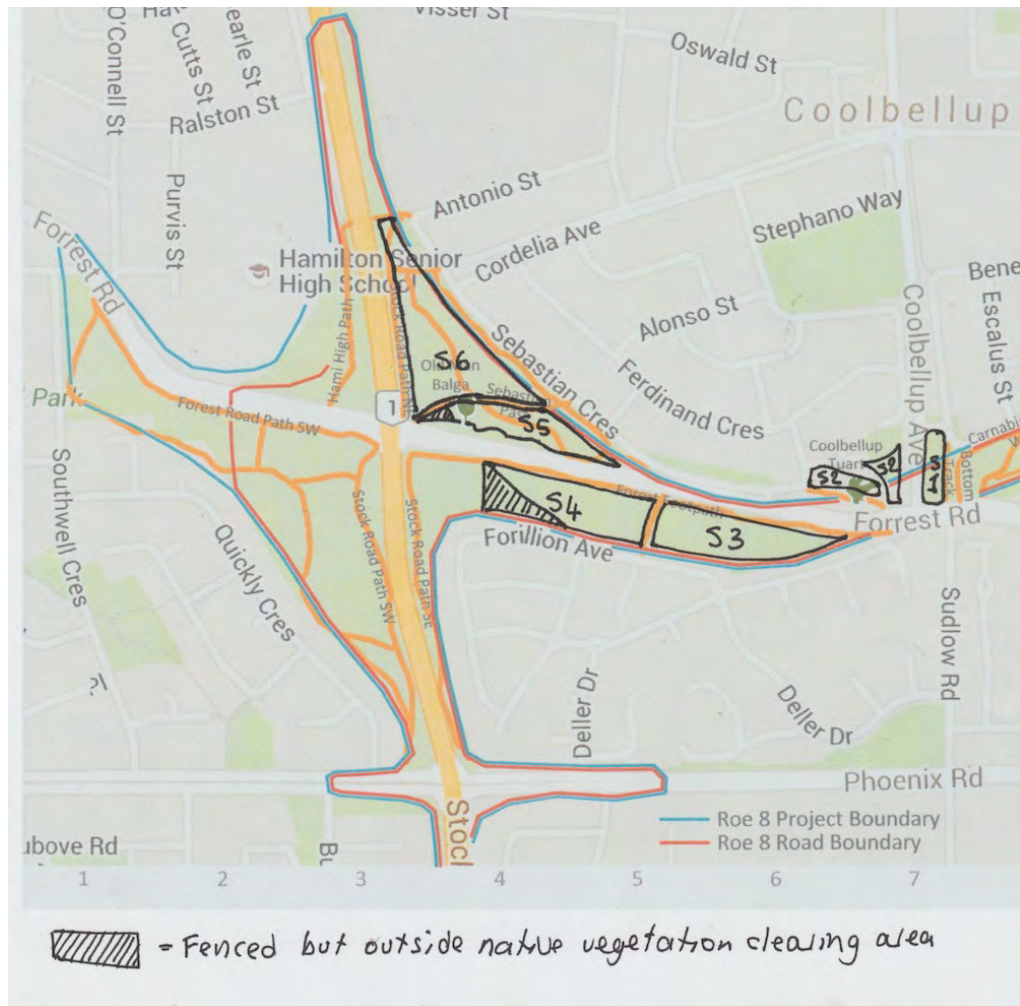
Avoid trapping in extreme weather conditions (hot, cold or wet and/or strong winds). Plan ahead by monitoring long-range and daily weather forecasts.

In addition Table 7 of the Fauna Management Plan states:

- in periods large volumes of rain traps will be closed after checking and reopened in the late afternoon to avoid capturing and drowning due to flooding.

In this case, as the majority of trapping occurs at night, logically traps should also be closed at night during extreme weather conditions. Given the heavy rain on Thursday and Friday nights trapping should not have taken place and clearing should have been suspended.

I am attaching another copy of the map of the west end of the project for your reference.



I am attaching 7 photos that show bandicoots trapped in S5 on Saturday morning, 11th February (photos 1 and 2) and in sections S5 and S6 this morning, Sunday 12th February (photos 3 to 7). Please see below. Following the presentation of this evidence that southern brown bandicoots have been trapped yesterday and today, protocols laid out in Table 7 of the Fauna management Plan for the completion of a successful trapping program have not been achieved.

Photo 1. S5, 6.37am Saturday 11th February.



Photo 2. S5, 6.37am Saturday 11th February.



Photo 3, 6.48am Sunday 12th February



Photo 4, 6.48am Sunday 12th February



Photo 5, 7.31am Sunday 12th February



Photo 6, 7.32am Sunday 12th February



Photo 7, 7.33am Sunday 12th February



Given this evidence of non-compliance with both the Construction Environmental Management Plan and the Fauna Management Plan and disregard of the DPaW Standard Operating Procedures I request that the Environmental Protection Agency immediately call a halt to native vegetation clearing on the Roe 8 construction site until these clear breaches of the Plans have been resolved.

I hope to hear from you soon.

Best, Phoebe

Phoebe Corke,

www.phoebecorke.com

Dear Ian, I trust you are well.

I am attaching four photographs taken between 7.24am and 7.39am this morning.

The trappers left S6 (see attached map) with 5 bandicoots in bags. I have an eye witness who saw the trappers carry two of these bags from S5 to S6.

Following the presentation of this evidence that southern brown bandicoots have been trapped in both S5 and S6 this morning, Monday 13th February, protocols laid out in Table 7 of the Fauna management Plan for the completion of a successful trapping program have not been achieved and clearing in both these areas cannot be carried out before Wednesday 15th February at the earliest.

Photo 1, 7.24am Monday 13th February



Photo 2, 7.39am Monday 13th February

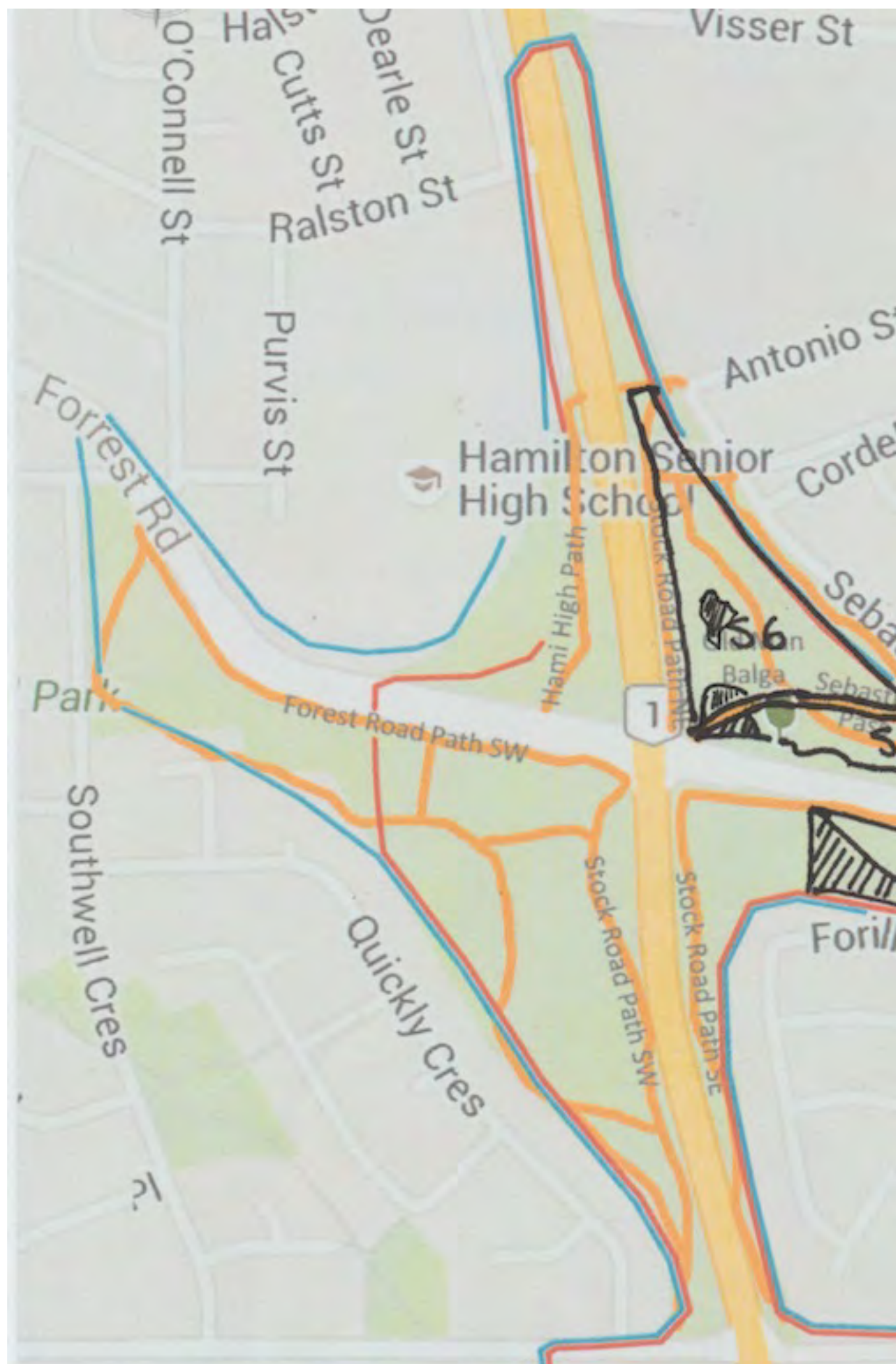


Photo 3, 7.39am Monday 13th February



Photo 4, 7.39am Monday 13th February





I hope to hear from you soon.

Best, Phoebe

Phoebe Corke,

www.phoebecorke.com

13th February 2017

Dear Ian, I hope you are well.

Clearing commenced in S5 (see map attached) of the west end of the Roe 8 project site this morning despite southern brown bandicoots being caught there yesterday morning.

I am attaching three photographs taken between 6.59am and 7.00am this morning showing southern brown bandicoots being removed from S6.

Following the presentation of this evidence that southern brown bandicoots have been trapped in S6 this morning, Tuesday 14th February, protocols laid out in Table 7 of the Fauna management Plan for the completion of a successful trapping program have not been achieved and clearing in both this areas cannot be carried out before Thursday 16th February at the earliest.

Photo 1, 6.59am, Tuesday 14th February

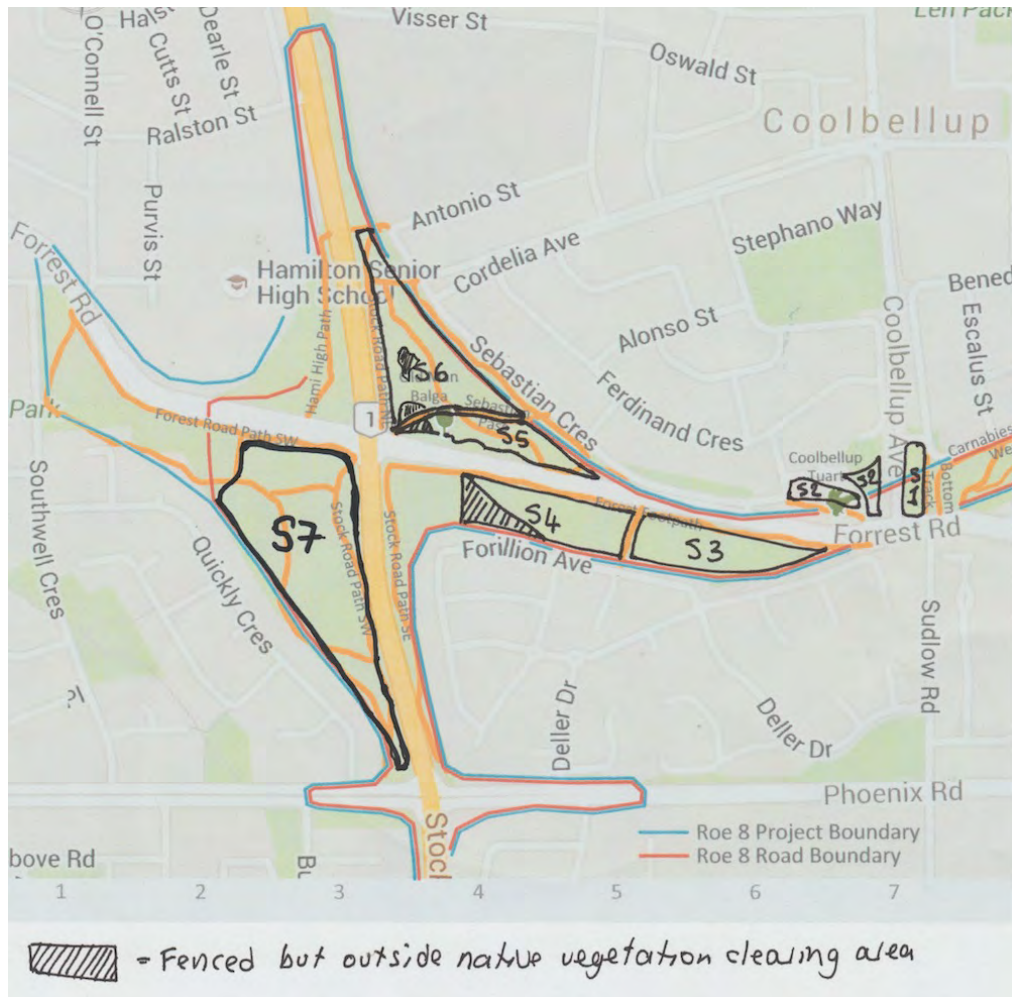


Photo 2, 6.59am, Tuesday 14th February



Photo 3, 7.00am, Tuesday 14th February





I hope to hear from you soon.

Best, Phoebe

Phoebe Corke

www.phoebecorke.com

From: [mailto:]
Sent: Monday, 20 February 2017 2:24 PM
To: Compliance Oepa; @epa.wa.gov.au; Registrar Epa; Main Roads; Main Roads enquiries@mainroads.wa.gov.au
Cc: Albert Jacob; Frydenberg, Josh (MP); @cockburn.wa.gov.au; @environment.gov.au; @cockburn.wa.gov.au; @cockburn.wa.gov.au; Wilson, Josh (MP); chris.tallentire@mp.wa.gov.au; peter.tinley@mp.wa.gov.au; bill.marmion@mp.wa.gov.au;
Subject: URGENT: ROE HIGHWAY EXTENSION - BANDICOOTS CAUGHT THIS MORNING, MONDAY 20TH FEBRUARY

Dear Ian, I hope you are well.

This morning, Monday 20th February, trappers left S7 (please see attached map) at 6.46am after placing full hessian bags in a crate in the back of their ute. They then drove directly to the Tetlow Place section at the east end of the project. The following photograph shows the bags being placed in the ute.

Image 1: bag being placed in trappers' ute, 6.44am, Mon 20th Feb

The next photograph, taken at 7.04am at the Tetlow section shows the full crate in the back of the trappers ute.

Image 2: full crate in back of trappers' ute, 7.04am, Mon 20th

Given the timeframe, the bandicoots in the crate were trapped in Section 7.

The next two photographs show closed bandicoot cages in the Tetlow Section and were taken this morning, Monday 20th February, before the trappers arrived on site. You can clearly see a bandicoot in the trap in the first picture.

Image 3: closed trap with bandicoot, 6.11am Mon 20th Feb, Tetlow site

Image 4: closed trap, 6.22am Mon 20th Feb, Tetlow site

The following photo shows a trapper carrying a full bag at the Tetlow section taken at 7.06am this morning.

Image 5: Tetlow site, 7.06am, Mon 20th Feb

Following the presentation of this evidence that southern brown bandicoots have been trapped in both S7 and the Tetlow site this morning, Monday 20th February, protocols laid out in Table 7 of the Fauna Management Plan for the completion of a successful trapping program have not been met and clearing in these areas cannot be carried out before two clear nights have been achieved.

I hope to hear from you soon.

Best, Phoebe

Phoebe Corke



PastedGraphic-1.pdf



PastedGraphic-6.pdf



PastedGraphic-5.pdf



PastedGraphic-4.pdf



PastedGraphic-3.pdf



PastedGraphic-2.pdf



PastedGraphic-1.pdf

From: [mailto:
Sent: Wednesday, 15 February 2017 5:40 PM
To: Compliance Oepa; @epa.wa.gov.au; Registrar Epa; Main Roads
enquiries@mainroads.wa.gov.au
Cc: Albert Jacob; Frydenberg, Josh (MP); @cockburn.wa.gov.au;
@environment.gov.au; @cockburn.wa.gov.au;
@cockburn.wa.gov.au; Wilson, Josh (MP); chris.tallentire@mp.wa.gov.au;
peter.tinley@mp.wa.gov.au; bill.marmion@mp.wa.gov.au;
Subject: URGENT - ROE HIGHWAY EXTENSION - BANDICOOTS CAUGHT THIS MORNING,
WEDNESDAY 15th FEBRUARY S6, INSUFFICIENT TRAP NUMBERS IN S7

Dear Ian, I hope you are well.

I am attaching three photographs taken between 6.59am and 7.00am this morning showing southern brown bandicoots being removed from S6 (please see attached map).

Following the presentation of this evidence that southern brown bandicoots have been trapped in S6 this morning, Wednesday 15th February, protocols laid out in Table 7 of the Fauna management Plan for the completion of a successful trapping program have not been achieved and clearing in this area cannot be carried out before two clear nights have been achieved.

Photo 1, Section 6, 07.35am Wednesday 15th February



Photo 2, Section 6, 07.35am Wednesday 15th February



Photo 3, Section 6, 07.36am Wednesday 15th February



The photograph below shows Bandicoots trapped in Section 7 this morning at 08.29am. Trapping in this area commenced yesterday, 14th February.



I would like to draw your attention to Table 7 of the Fauna Management Plan which states:

Table 7: Management measures for fauna (Southern Brown Bandicoot)

- traps will be set across each stage of habitat to be cleared; approximately eight traps per hectare of fencing which will be followed by the progressive clearing/fencing

This is confirmed by the Fauna Management Program Update, 2nd February 2017, on the Main Roads Roe 8 website which states:

- Eight cage traps to be set within each hectare of land to be cleared.
- Section 7, according to our calculations is approximately 78,772 square meters, equating to 7.9 hectares. Therefore there should be 63 bandicoot (8 x 7.9) traps in this area. I would be grateful if you could confirm that there are 63 traps in Section 7 as we believe there to be substantially less. Trappers were in the area for less than one hour this morning. This is insufficient time to check and close 63 traps spread over 7.9 hectares.

Table 7: Management measures for fauna (Southern Brown Bandicoot) also states:

Fauna fencing will:

- comprise of a mesh fence to a height of no less than 1.2 m and be dug into the ground to a depth of no less than 350 mm
- include temporary fauna fencing during construction, but will conform to the standards required for permanent fencing

Section 6 has partial netting. There is no netting in section 7.

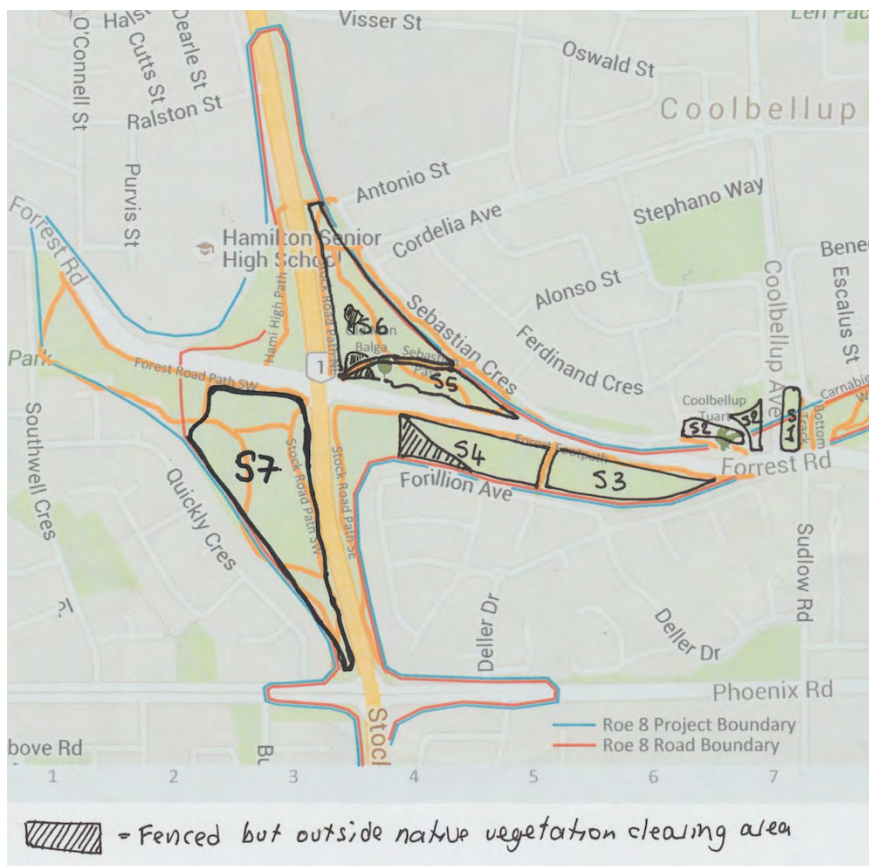
I trust you will give these matters your urgent attention and that clearing in Section 6 of the west end of the project will not take commence until a successful trapping period has been completed.

I hope to hear from you soon.

Best, Phoebe

Phoebe Corke,

www.phoebecorke.com



From: [mailto:
Sent: Thursday, 16 February 2017 4:10 PM
To: Compliance Oepa; @epa.wa.gov.au; Registrar Epa; Main Roads
enquiries@mainroads.wa.gov.au
Cc: Albert Jacob; Frydenberg, Josh (MP); @cockburn.wa.gov.au;
@environment.gov.au; @cockburn.wa.gov.au;
@cockburn.wa.gov.au; Wilson, Josh (MP); chris.tallentire@mp.wa.gov.au;
peter.tinley@mp.wa.gov.au; bill.marmion@mp.wa.gov.au;
Subject: ROE HIGHWAY EXTENSION - DAILY REPORT

Dear Ian, I hope you are well.

Clearing of section 6 (please see attached map) commenced at approximately 9am this morning. I left the site at 12 noon. At that time, whilst a water truck was on site, no water had been used for dust suppression all morning. Clouds of dust were visible and police and observers were coughing.

The Construction Environmental Management Plan states, section 2, table 6, that "Water carts are to be operational at all times in dry and windy conditions (October to April)" and to "commence dust suppression immediately on visual evidence of dust lift".

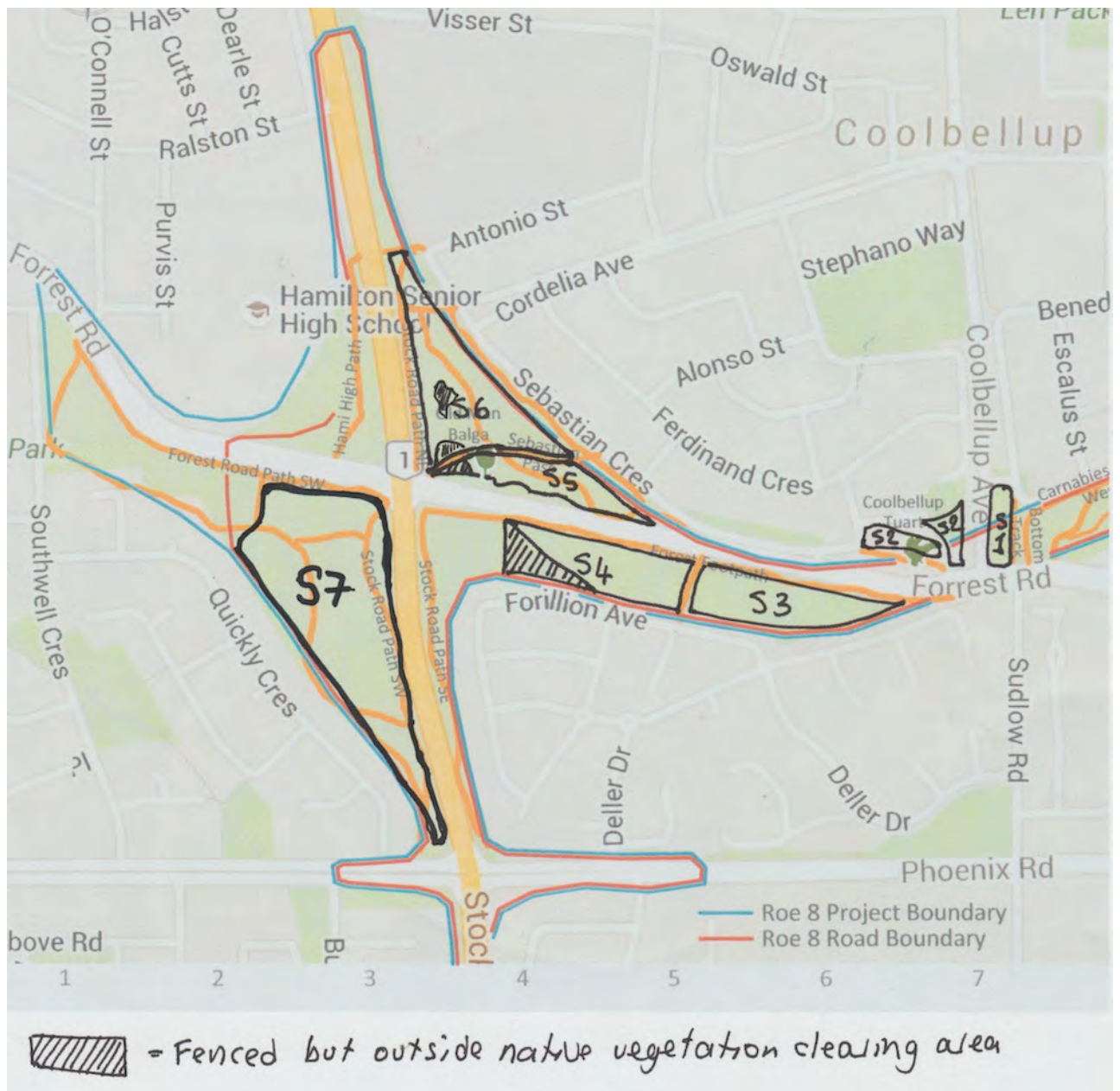
The following four photographs show clearing with no dust suppression at around 10.50am this morning.





The next photograph shows trappers leaving Section 7 at 7.15am this morning with trapped bandicoots. This was the second night of trapping in this section. Following the presentation of this evidence that southern brown bandicoots have been trapped in S7 this morning, Thursday 16th February, protocols laid out in Table 7 of the Fauna management Plan for the completion of a successful trapping program have not been achieved and clearing in this area cannot be carried out before two clear nights have been achieved.





From: Phoebe Corke [mailto:]
Sent: Friday, 17 February 2017 8:16 PM
To: Compliance Oepa; @epa.wa.gov.au; Registrar Epa; Main Roads
enquiries@mainroads.wa.gov.au; Main Roads
Cc: Albert Jacob; Frydenberg, Josh (MP); @cockburn.wa.gov.au;
@environment.gov.au; @cockburn.wa.gov.au;
@cockburn.wa.gov.au; Wilson, Josh (MP); chris.tallentire@mp.wa.gov.au;
peter.tinley@mp.wa.gov.au; bill.marmion@mp.wa.gov.au; McGurk, Simone; Carmen Lawrence
Subject: ROE HIGHWAY EXTENSION – Ministerial Statement 1008, EPBC Act Referral 2009/5031 –
Request to halt or 'stop the work until issues raised are resolved.

Dear Ian, I hope you are well.

Clearing continued in S6 (see attached map) this morning, Friday 17th February. The water truck was on site but was not utilised. The following two photographs show clouds of dust around the bulldozer. The third photograph shows the bulldozer operating while the water truck stands stationary 200 meters from the clearing area.

The Construction Environmental Management Plan states, section 2, table 6, that "Water carts are to be operational at all times in dry and windy conditions (October to April)" and to "commence dust suppression immediately on visual evidence of dust lift".

8.34am Friday 17th Feb



8.34am Friday 17th Feb



8.28am Friday 17th Feb



Table 7: Management measures for fauna (Southern Brown Bandicoot) also states:

Fauna fencing will:

- comprise of a mesh fence to a height of no less than 1.2 m and be dug into the ground to a depth of no less than 350 mm
- include temporary fauna fencing during construction, but will conform to the standards required for permanent fencing

The following seven photographs were taken this morning of the fencing of section seven. They show fencing without netting, inadequately placed netting, and gaps in the netting around fence footings. There is no netting along the section adjacent to Stock Road.









The final three photographs were taken this morning and show broken asbestos on the ground within section 7.





Given this evidence of non-compliance with the Fauna Management Plan I request that the Environmental Protection Agency immediately call a halt to native vegetation clearing on the Roe 8 construction site until these clear breaches of the Plans have been resolved.

I look forward to hearing from you soon.

Yours sincerely

Phoebe

Phoebe Corke,



From: Phoebe Corke [mailto:phoebecorke@icloud.com]

Sent: Sunday, 19 February 2017 12:10 PM

To: Compliance Oepa; @epa.wa.gov.au; Registrar Epa; Main Roads; Main Roads enquiries@mainroads.wa.gov.au

Cc: Albert Jacob; Frydenberg, Josh (MP); @cockburn.wa.gov.au;

@environment.gov.au; @cockburn.wa.gov.au;

@cockburn.wa.gov.au; Wilson, Josh (MP); chris.tallentire@mp.wa.gov.au;
peter.tinley@mp.wa.gov.au; bill.marmion@mp.wa.gov.au;

Subject: URGENT - ROE HIGHWAY EXTENSION - BANDICOOTS CAUGHT IN S7 THIS MORNING

Dear Ian, I hope you are well.

I am attaching five photographs taken between 6.38am and 6.42am this morning showing southern brown bandicoots being removed from S7 (please see attached map).

Following the presentation of this evidence that southern brown bandicoots have been trapped in S7 this morning, Sunday 19th February, protocols laid out in Table 7 of the Fauna Management Plan for the completion of a successful trapping program have not been met and clearing in this area cannot be carried out before two clear nights have been achieved.

Photo 1, 06.38am, Sunday 19th February



Photo 2, 06.41am, Sunday 19th February

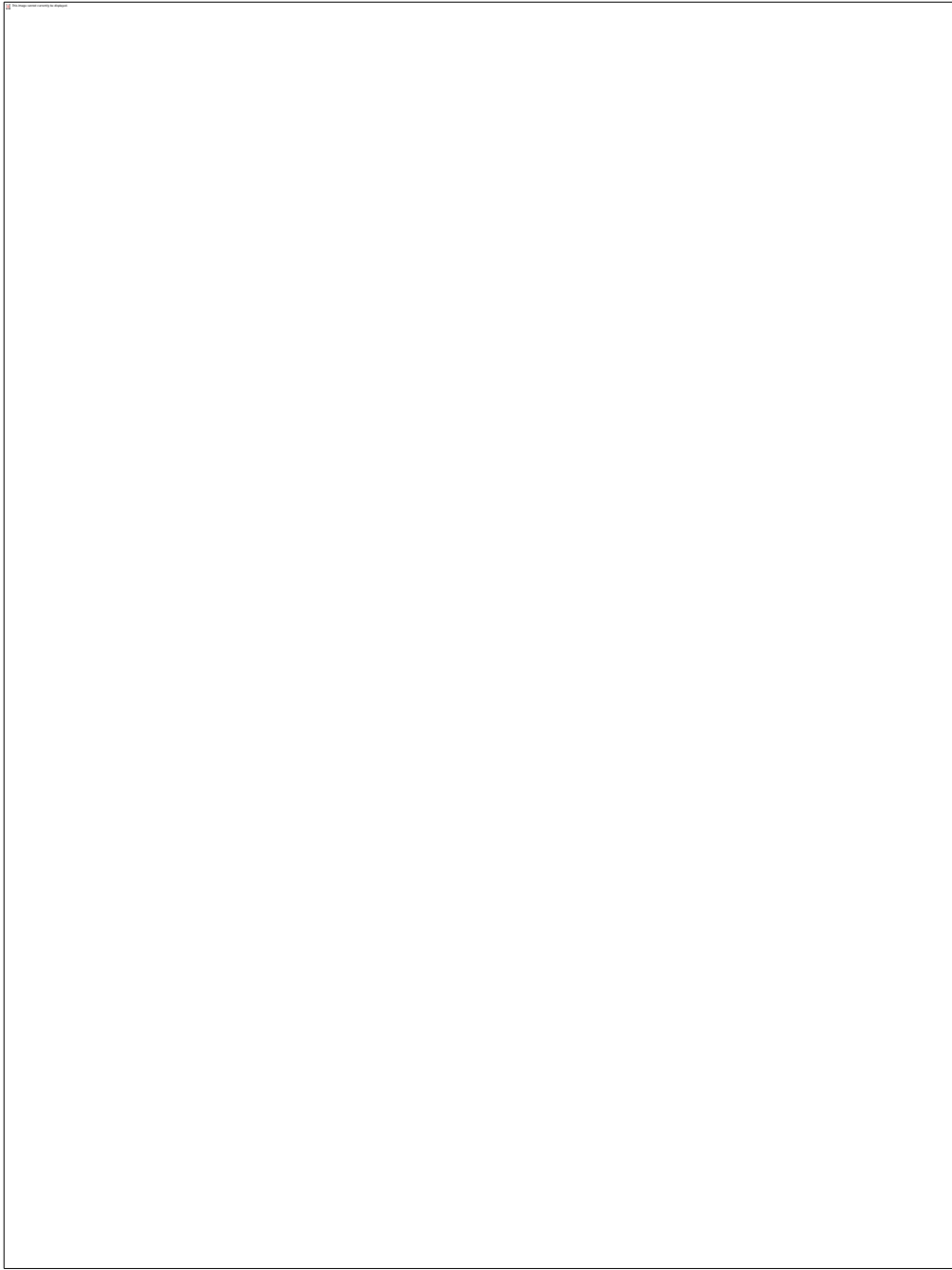


Photo 3, 06.41am, Sunday 19th February



Photo 4, 06.42am, Sunday 19th February



Photo 5, 06.38am, Sunday 19th February



The next three photographs were taken at 8.30am this morning, Sunday 19th February, in the newest fenced section by Tetlow Road at the east end of the project site. They also show bandicoots being removed from the area.





I trust that clearing in Section 7 of the west end of the project and at the Tetlow Section at the east end of the project will not take commence until a successful trapping period has been completed.

I hope to hear from you soon.

Best, Phoebe

Phoebe Corke,



From: phoebe@phoebecorke.com [mailto:phoebe@phoebecorke.com]
Sent: Tuesday, 21 February 2017 1:38 PM
To: Compliance Oepa; @epa.wa.gov.au; Registrar Epa; Main Roads
enquiries@mainroads.wa.gov.au
Cc: Albert Jacob; Frydenberg, Josh (MP); @cockburn.wa.gov.au;
@environment.gov.au; @cockburn.wa.gov.au;
@cockburn.wa.gov.au; Wilson, Josh (MP); chris.tallentire@mp.wa.gov.au;
peter.tinley@mp.wa.gov.au; bill.marmion@mp.wa.gov.au;
Subject: URGENT: ROE HIGHWAY EXTENSION - BANDICOOTS CAUGHT THIS MORNING, TUESDAY
21st FEBRUARY

Dear Ian, I hope you are well.

This following photograph shows a bandicoot in a bag at S7 at 6.30am this morning, Tuesday 21st February, at the west end of the project site, please see attached map.

Image 1: bandicoot in bag at 6.39am Tuesday 21st February



The next photograph, taken at 6.45am shows the trappers walking through S7, both holding bags of catch.

Image 2: trappers carrying bags, 6.45am, Tues 21st Feb



The next two photographs show bandicoots being carried from the Tetlow Section at the east end of the project site and were taken this morning, Tuesday 21st February, between 81.8am and 8.19am. We were informed that 3 bandicoots were caught in this section this morning.

Image 3: trappers carrying bags, 8.18am, Tues 21st Feb



Image 4: trapper carrying bags, 8.19am, Tues 21st Feb

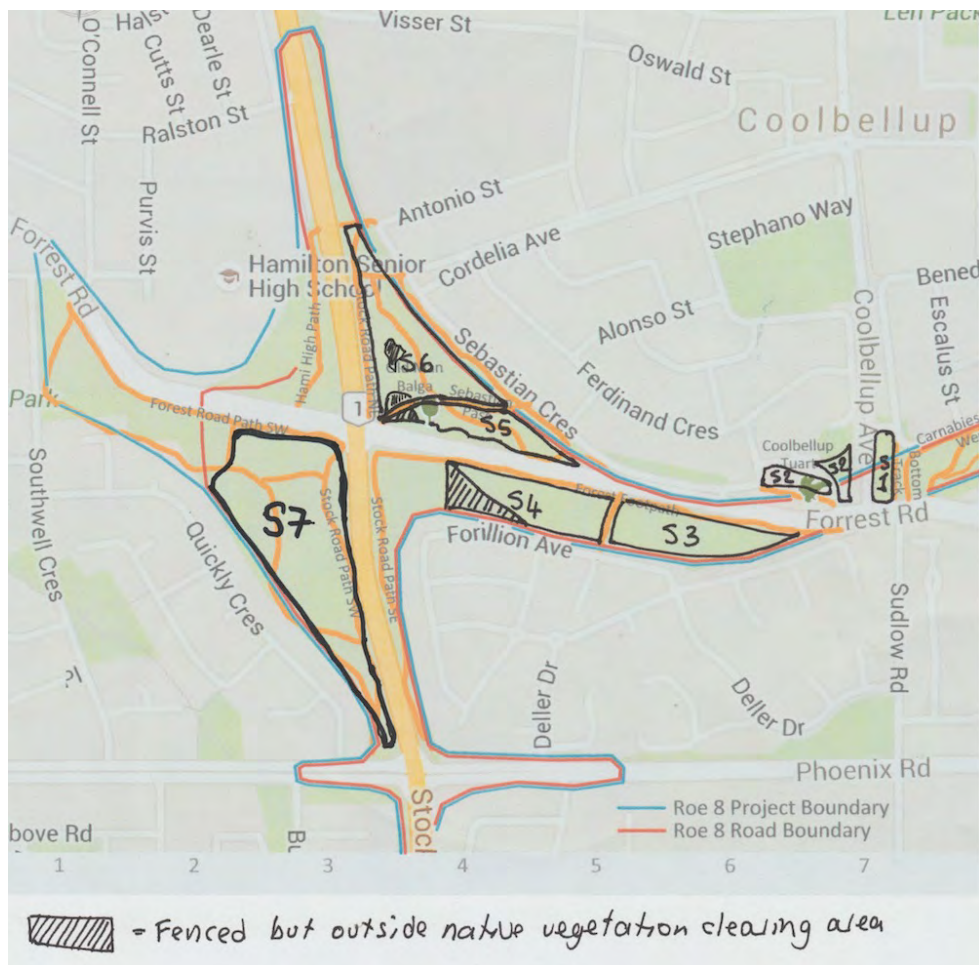


Following the presentation of this evidence that southern brown bandicoots have been trapped in both S7 and the Tetlow site this morning, Tuesday 21st February, protocols laid out in Table 7 of the Fauna Management Plan for the completion of a successful trapping program have not been met and clearing in these areas cannot be carried out before two clear nights have been achieved.

I hope to hear from you soon.

Best, Phoebe

Phoebe Corke



From: phoebe@phoebecorke.com [mailto:phoebe@phoebecorke.com]

Sent: Wednesday, 22 February 2017 11:11 AM

To: Compliance Oepa; @epa.wa.gov.au; Registrar Epa; Main Roads
enquiries@mainroads.wa.gov.au

Cc: Albert Jacob; Frydenberg, Josh (MP); @cockburn.wa.gov.au;
@environment.gov.au; @cockburn.wa.gov.au;
@cockburn.wa.gov.au; Wilson, Josh (MP); chris.tallentire@mp.wa.gov.au;
peter.tinley@mp.wa.gov.au; bill.marmion@mp.wa.gov.au; e

Subject: URGENT: ROE HIGHWAY EXTENSION - BANDICOOTS CAUGHT THIS MORNING,
WEDNESDAY 22nd FEBRUARY

Dear Ian, I hope you are well.

This following photograph shows a bandicoot in a bag at S7 at 6.44am this morning, Wednesday 22nd February, at the west end of the project site, please see attached map.

Image 1: bandicoot in bag at 6.44am Wednesday 22nd February



The next image shows the trapper carrying the bag in S7 at 06.48am this morning.

Image 2: trapper with bag, S7 6.48am, Wed 22nd Feb



This third image, taken the Tetlow site at the east end of the project at 07.13am this morning shows the same bag in the back of the trappers ute.

Image 3: bag in esky, Tetlow, 7.13am, Wed 22nd Feb



Following the presentation of this evidence that southern brown bandicoots have been trapped in S7 this morning, Wednesday 22nd February, protocols laid out in Table 7 of the Fauna Management

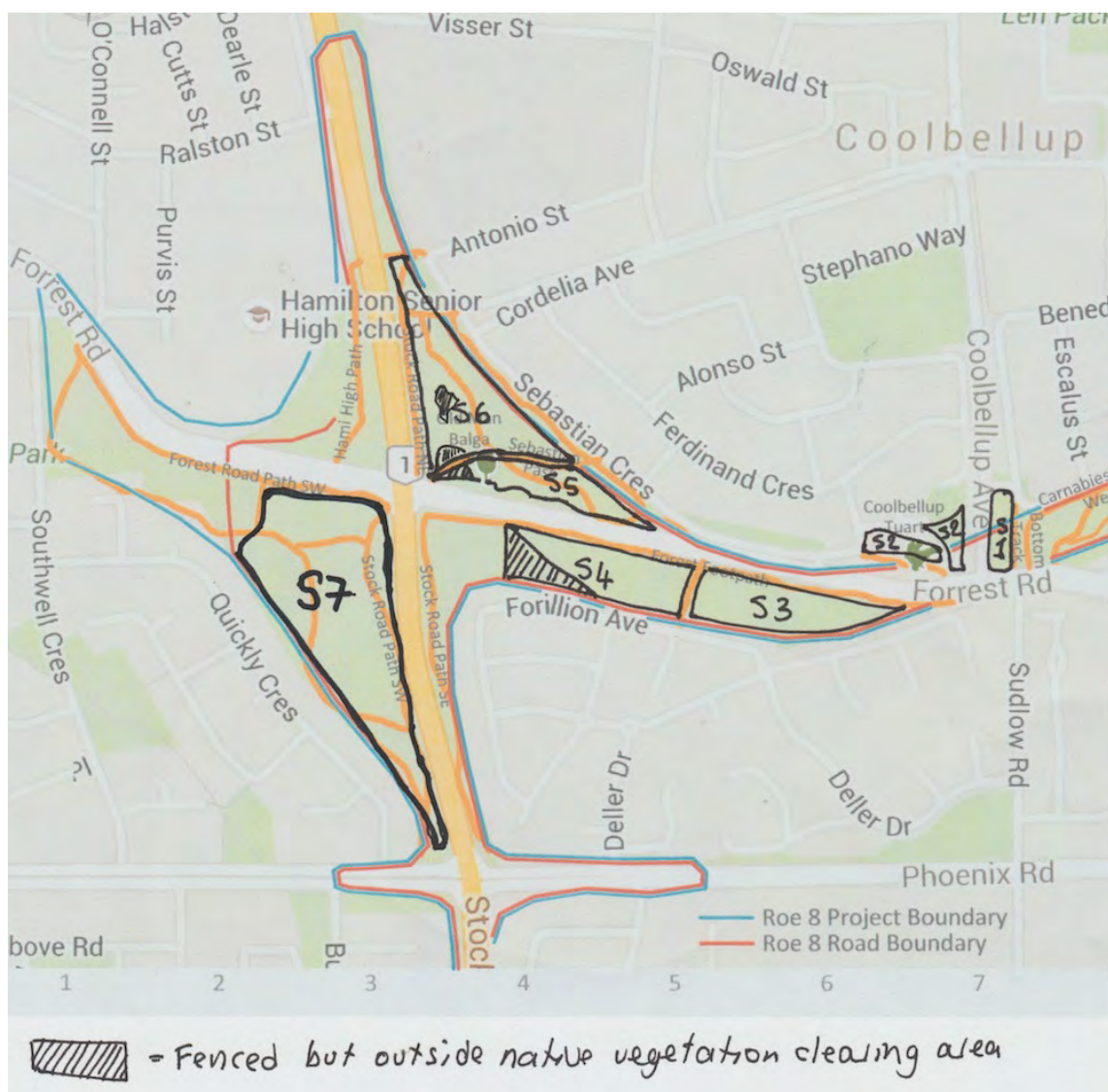
Plan for the completion of a successful trapping program have not been met and clearing in this area cannot be carried out before two clear nights have been achieved.

I hope to hear from you soon.

Best, Phoebe

Phoebe Corke,

www.phoebecorke.com



From: [mailto:]
Sent: Sunday, 26 February 2017 3:09 PM
To: Compliance Oepa; @epa.wa.gov.au; Registrar Epa; Main Roads
enquiries@mainroads.wa.gov.au; Main Roads
Cc: Albert Jacob; Frydenberg, Josh (MP); @cockburn.wa.gov.au;
@environment.gov.au; @cockburn.wa.gov.au;
@cockburn.wa.gov.au; Wilson, Josh (MP); chris.tallentire@mp.wa.gov.au;
peter.tinley@mp.wa.gov.au; bill.marmion@mp.wa.gov.au;
Subject: ROE HIGHWAY EXTENSION – Ministerial Statement 1008, EPBC Act Referral 2009/5031 –
Request to halt or 'stop the work until issues raised are resolved

Dear Ian, I hope you are well.

Bandicoots were caught this morning, Sunday 26th February in the area to the east of the project site we are calling Bakers (please see attached map). The following photograph shows a bandicoot in a trap taken at 06.13am this morning. The second shows a bandicoot in a bag taken from a different clutch of traps in the same section.

Image 1: Bandicoot in trap, Bakers, 6.13am, Sunday 26th Feb



Image 2: Bandicoots in bag, Bakers, 07.01am Sunday 26th Feb



Following the presentation of this evidence that southern brown bandicoots have been trapped in Bakers, Sunday 26th February, protocols laid out in Table 7 of the Fauna Management Plan for the completion of a successful trapping program have not been met and clearing in this area cannot be carried out before two clear nights have been achieved.

I would now like to draw your attention to further breaches of non-compliance in the previous two sections that were cleared, S7 west end and Tetlow section, east end (please see attached maps).

On Wednesday 22nd February I sent you images of bandicoots being removed from S7. On Thursday morning, 23rd February, we did not observe bandicoots being removed from the section so one clear night had presumably been achieved.

At 2.00am, Friday 24th February, trappers entered S7 and closed the small number of cages that were open - the majority had not been opened that night. The section was extremely busy that night, there were police dogs and protestors present. This cannot be described as a successful night's trapping under Table 7 of the FMP. It was apparent that section was scheduled to be cleared on the morning of Friday 24th February regardless of the outcome of the trapping program. Very large numbers of police, including mounted police, and additional private security, were present on site from the early morning in preparation.

The following images show police presence on site from 6.33am. They were present in mass from 05.30am. This is earlier than the time the trappers habitually check the traps - had they been open.

Image 3: Police presence at 06.33am, Friday 24th Feb



Image 4: Police presence at 08.08am, Friday 24th Feb



The bulldozer arrived on site at 08.12am, Friday 24th Feb

Image 5: Bulldozer arriving at 08.12am, Friday 24th February.



Clearing almost immediately commenced without a water truck on site for around 90 minutes. When the water truck eventually arrived dust suppressing was ineffectual. The Construction Environmental Management Plan states, section 2, table 6, that “Water carts are to be operational at all times in dry and windy conditions (October to April)” and to “commence dust suppression immediately on visual evidence of dust lift”.

Image 6: Dust at 8.35am Friday 24th February



Image 7: Dust at 8.57am Friday 24th February



Image 8: Dust at 9.06am Friday 24th February

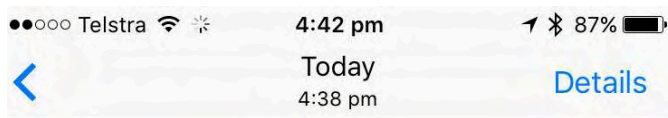


Image 9: Dust at 9.14am Friday 24th February



The temperature on Friday 24th Feb reached 36.5°C. It remained at over 30°C until early evening. The following photograph shows the trappers' ute at the Tetlow site at 4.38pm on Friday 24th February when the trappers arrived to open the traps. The temperature was @ 35°C at that time.

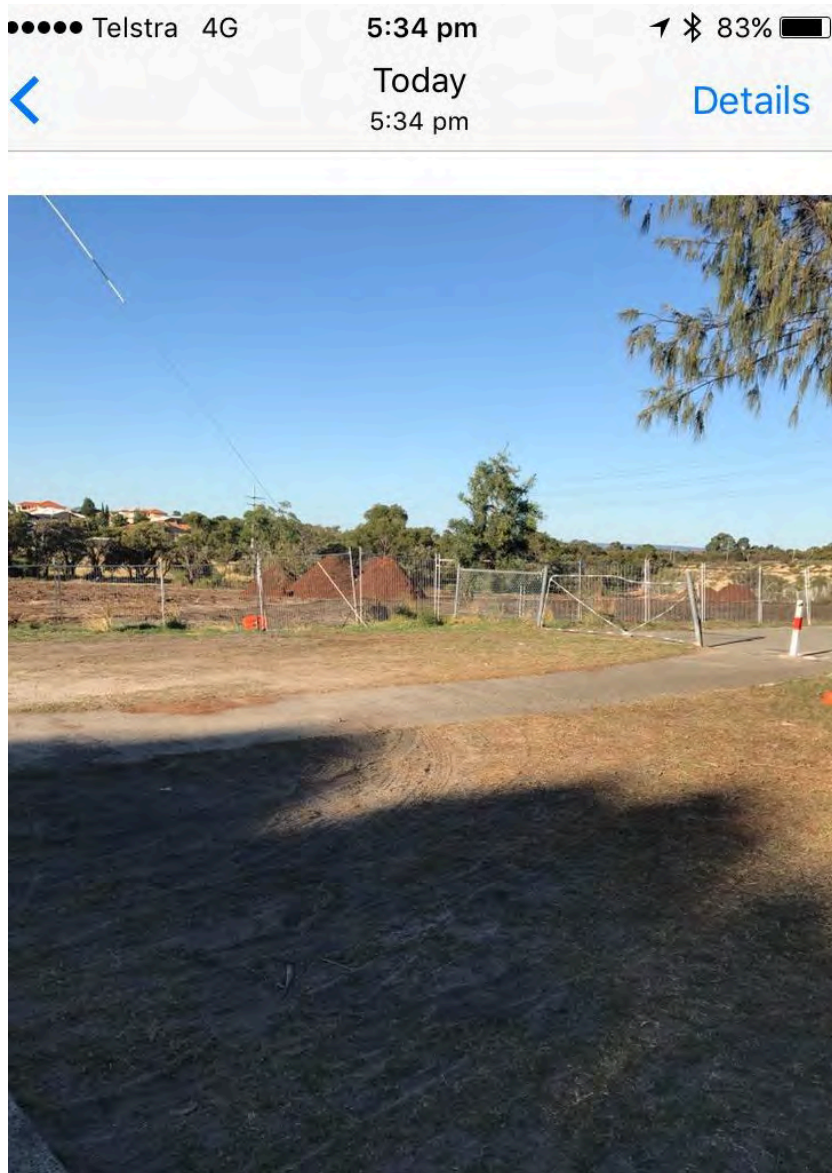
Image 10: Trappers' ute at Tetlow, 4.38pm Friday 24th Feb.



The following photograph shows the trappers' ute has left the Tetlow site at 5.34pm on Friday 24th February after opening some of the traps. The temperature was still well over 30°C. Table 7 of the FMP states that: in hot weather (i.e. above 30°C and/or for consecutive

days) traps will be closed after checking and reopened in the late afternoon to avoid captures in the heat of the day which can result in mortality.

Image 11: Tetlow site, 5.34pm Friday 24th February. Trappers' ute has left after opening some traps.



I would now like to bring your attention to the Tetlow site which was cleared yesterday morning, Saturday 25th February.

The following images show bandicoots caught in the Tetlow section on Thursday 23rd February. Workers confirmed to me later that day that a bandicoot had been removed from the section that morning.

Image 12: trappers with Bags, Tetlow, Thursday 23rd Feb.



Image 13: trappers with Bags, Tetlow, Thursday 23rd Feb.



Friday morning, 24th February, we did not observe bandicoots being removed from the section so one clear night had presumably been achieved.

In addition to the traps that were utilised on the night of Friday 24th February being opened when the temperature was still over 30°C only a small portion of the traps in this section were opened that night.

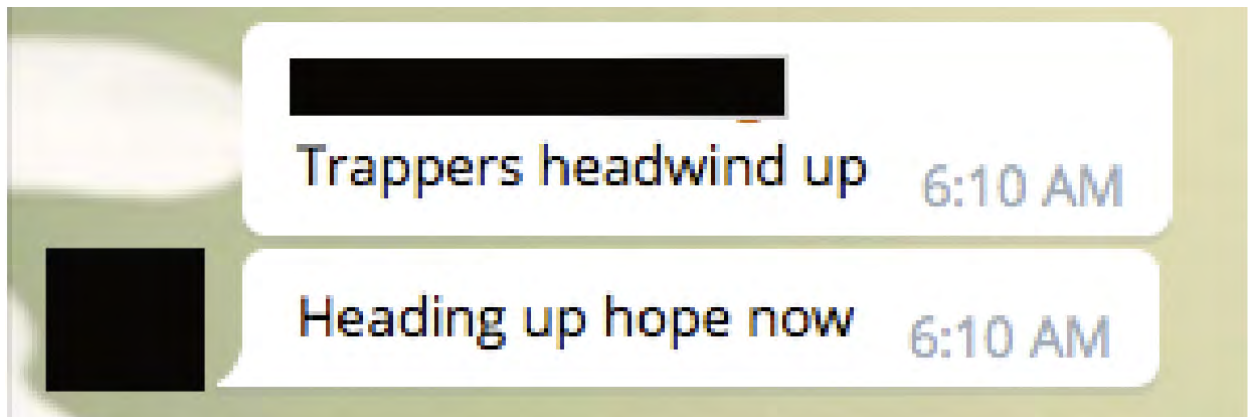
The following image shows a trap in Tetlow section closed at 6.03am.

Image 14: closed trap 6.03am, Tetlow.



The trappers did not arrive on site until 6.10am. The following image is a transcript from an on-line conversation showing that the trap was closed before the trappers arrived on site.

Image 15: trappers arrival time, 6.10am, Sat 25th Feb



The few traps that were open were poorly set: exposed, insufficiently camouflaged and set too close together: The likelihood of catching two bandicoots in the same area is extremely low due to both their solitary nature and home range occurring between 1 and 7 ha (Department of Environment and Conservation 2012).

Image 16: 6.00am Tetlow, Sat 25th Feb



In addition we observed asbestos that was not removed from the site prior to clearing.

Image 17: asbestos on Tetlow site, 6.02am Sat 25th Feb



The bulldozer arrived at the Tetlow site at 7.52am

Image 18: bulldozer arriving 7.52am, Sat 25th Feb



Clearing immediately commenced. The water truck had arrived but was several hundred meters away and did not arrive at the Tetlow site until clearing had been taking place for around 30 minutes. Then it was inadequately utilised all morning. The following images show the water truck at some distance from the clearing zone and dust levels in a clearing site that is less than 50m from residential dwellings - whose occupants had not been advised that clearing was imminent. The Construction Environmental Management Plan states, section 2, table 6, that “Water carts are to be operational at all times in dry and windy conditions (October to April)” and to “commence dust suppression immediately on visual evidence of dust lift”.

Image 19: water truck several hundred meters away, 7.54am, Sat 25th Feb



Image 20: Dust, 7.57am Sat 25th Feb



Image 21: Dust, 7.58am Sat 25th Feb



Image 22: Dust, 7.59am Sat 25th Feb



Dieback: Both the water truck and the bulldozer were delivered on Saturday 25th February to a area that is defined as uninfected. The Tetlow site is unmappable. Both the water truck and the bulldozer were driven from the uninfected section to the unmappable section and then back from the unmappable section to the uninfected section without any form of wash down or hygiene taking place. Section 9 of the CEMP states: Inspect vehicles and machinery prior

to entry/exit into the site and prior to exit from infested, unmappable and uninterpretable areas that may contain dieback to ensure it is free from soil/organic material.

Given this incontestable evidence of non-compliance with both the Construction Environmental Management Plan and the Fauna Management Plan I request the Environmental Protection Agency immediately call a halt to all work on the Roe 8 construction site until these clear breaches of the Plans have been investigated.

Best, Phoebe

Phoebe Corke,

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