

**PROPOSAL NO. 1/2013, EXCISION OF LAND FROM CLASS A RESERVE 33581 FOR THE  
UPGRADE OF GILMORE AVENUE, LEDA TO A DUAL CARRIAGEWAY IN THE CITY OF  
KWINANA — DISALLOWANCE**

*Motion*

**HON LYNN MacLAREN (South Metropolitan)** [5.14 pm]: I rise to speak to the motion in my name. I will move to discharge this order of the day at the conclusion of my remarks. Members will hear of the journey I have made to investigate the excision of this A-class reserve. On 6 August this year I moved to disallow the excision of land from the A-class reserve in Leda, which occurred some time ago. I think it is important that we maintain scrutiny of any A-class reserve that is to be excised. Because of the date this excision was originally undertaken, it underwent different procedures for approval than current excisions go through. It is a longstanding plan of the City of Kwinana to duplicate Gilmore Avenue in this area. But the City of Kwinana is finally getting around to moving the final excision of the A-class reserve. Kwinana is one of those pressure growth areas and quite a bit of clearing has occurred recently, so it is critical that we take some time to examine whether all the clearing was indeed necessary. I recognise that the proposal to widen Gilmore Avenue has been longstanding and there have been some traffic safety issues in the area. In 2001 there was an accident that resulted in a death. However, as I said, the road planned for that area is necessary given the increasing pressure of population growth.

A complicating issue is that it was partially cleared some years ago. I acknowledge that most of the clearance will be on the other side of the road from the A-class reserve and there is a difference in height between the two areas. Then again, this A-class reserve has been set aside for special reasons, so cutting into it should not be done lightly. That is why I looked into this very carefully. I was assisted in that by officers from the Minister for Lands' office and officers from the City of Kwinana. I looked at the loss of vegetation in the area with three concerns in mind. I wanted to know, firstly, what compensation will be provided in the environmental management plan; secondly, will the revegetation on the road verges be in keeping with the ecosystem in that area; and, thirdly, what will be the effect on Pickle Swamp, which is one of the rare wetlands that survives, in spite of the urban encroachment around it? Some maps do not even mention it anymore, so we have to go through quite a bit of history to find where Pickle Swamp is and how it will be affected by this excision.

It is important to note that responsibility for this environmental management plan is with the City of Kwinana. It has undertaken rehabilitation, weed maintenance, fencing and wetland auditing. Section 6.9 of the environmental management plan seeks to minimise the impacts on fauna and key fauna habitats, so members can imagine one of those under-road skate paths for fauna that the city is planning. There are some key fauna habitats in that area. It is a unique and very special area. I think Hon Phil Edman is nodding.

I note that the alignment protects tuart trees. Three tuart trees are identified on the plan. Those ancient trees will be protected because of the Department of Environment and Conservation's initiative and the willingness of the City of Kwinana to adjust the alignment of that road. That is very important and it is to be commended. However, there is no getting around the fact that 5.5 hectares of open tuart forest will be lost as a result of this clearing. My question in pursuing this disallowance motion is: what offsets have been allowed for? The environmental management plan does not have any offsets. The widening of the road will take out bushland, and that should be replaced somewhere nearby so that there is no net loss to urban bushland and a chance that the offset is somewhat representative of the loss of that open tuart forest. As members know, that forest is becoming rare. While there are problems with offsets, they should be used to achieve an equivalent or better environmental outcome, provide environmental values similar to those being lost and minimise the time lag between the impact and the delivery of the offset. A lot has been said about proposed offsets and how sometimes, incredulous as it is, we have to wait 30 to 50 years for revegetation to benefit from an offset.

This will not be a lengthy speech, but I want to express my gratitude to the officers of the City of Kwinana for taking the time to meet me on site and, subsequently, preparing a proposal to meet the criteria of offsets that are reasonably equivalent to the values about to be lost. I took this proposal to the Minister for Lands, who unfortunately has declined the opportunity it presents. The environmental management plan was produced in a different era, when people thought differently about sustainability—in fact, when there was even less clearing. Therefore, we need to be hyper-vigilant given the increased clearing that is done now. Improvements to the Environmental Protection Act 1986 saw the addition of part 5, which provided for the clearing of native vegetation. Section 51H was inserted in 2003 and spells out some of the ways to offset the loss of cleared vegetation. That vegetation on land other than land cleared can be established and maintained as an offset.

I consulted local council members on the City of Kwinana and with conservationists involved in this work to save Pickle Swamp in the 1990s. I sought advice from the officers of the City of Kwinana for a proposed method of offsetting the loss and to protect biodiversity values. Before it became the City of Kwinana, the Town of

Kwinana sought the excision of 1.5 hectares of land from the Leda Nature Reserve for the widening of Gilmore Avenue from a single to dual-carriageway. Notes from the Department of Environment and Conservation two years ago showed that the excision was first proposed in 1998. Kwinana has been waiting a long time for this work to proceed. I visited the site and was delighted to see that this proposed alignment protects the identified mature tuart trees. The problem remains that some vegetation and a green buffer between the road and the A-class reserve will be lost as a result of this proposal. The city's environment manager prepared a proposal for a suitable offset shortly after our onsite discussions. The site that was proposed covers 1.8 hectares of vacant crown land—part of Bush Forever site 349. The site for the proposed offset is dissected by tracks created by illegal vehicle activity, a result of poor site management. The site is vegetated and in good condition according to recent floristic analysis commissioned by the City of Kwinana. I again commend the engineering and environmental officers for providing that briefing, who helpfully provided a proposal to offset. The plan was to install 345 metres of reserve fencing, a boom gate, access gate and kissing gate, which allows only people to pass through. I am sure members have seen kissing gates that do not allow bikes, for example, through them.

**Hon Simon O'Brien:** Where is this gate? I have been through gates but I have never been kissed.

**Hon LYNN MacLAREN:** Hon Simon O'Brien has never been kissed at one of those gates!

**Hon Simon O'Brien:** Certainly not.

**Hon LYNN MacLAREN:** See a counsellor about that.

**Hon Simon O'Brien:** I want to take my wife down there to look at it!

**Hon LYNN MacLAREN:** I would love to show Hon Simon O'Brien the kissing gate near the Beeliar wetlands. It is a beautiful kissing gate.

Putting those things in place would have put an end to the illegal vehicle activity in that area and it would have improved the vegetation that is being retained there, controlled invasive weed pests across 1.8 hectares and revegetated 2 700 square metres. It is an important site. It is considered to be possibly either a priority ecological community or a threatened ecological community. Information from the local community suggests that the site may be significant to Aboriginal people. Additionally, it is adjacent to an area registered with the Department of Aboriginal Affairs as camping site 3710. Anyone familiar with the Kwinana area will be familiar with this area. Two hills come together.

I understood from the outset that this would have required an agreement between the Department of Regional Development and the City of Kwinana, so I wrote to the Minister for Lands to ask his assistance to minimise the overall impact of the construction of the road. His response was disappointing for not only me, but also the officers who came up with it. He, basically, pointed back to the environmental management plan of 1988. A lot of these environmental management plans have not been updated for some time. The minister said in his letter to me that it was designed to mitigate the effects of roadworks on Pickle Swamp and he believed it was satisfactorily implemented. The problem is that environmentally sustainable development has moved on since 1988 to quite some degree, and we feel it is not sufficient to really offset the loss that will result from the duplication of this road. The necessary transfer of tenure for managing the offset would be a lengthy and costly process. The minister did not provide an alternative. He said nothing other than, "We have this plan from 15 years ago and we are just going to use that." He acknowledged the work done to prevent off-road vehicles entering Bush Forever site 394, but we really wanted the minister to support the revegetation work.

The point is that there will be a net loss of bushland as a result of this proposal. Surely, I am not alone in believing that we can do better than that. The environmental management plan was drawn up in a different era of sustainability and the importance of offsets is now understood. The 60-odd pages of the environmental management plan prepared for the Town of Kwinana in 1998 obviously has a different mindset, so the City of Kwinana was prepared to go further than the outdated plan. Why is the minister not prepared to go further?

With those comments, I will withdraw the disallowance motion. The road must be duplicated in the end, and, unfortunately, a portion of the A-class reserve must be excised to complete that road. However, I am disappointed that we were not able to intercede at this stage of the development to ensure that there would be no net loss. With that sense of disappointment, I will withdraw the disallowance motion.

*Discharge of Order*

**HON LYNN MacLAREN (South Metropolitan)** [5.28 pm] — without notice: I move —

That proposal No. 1/2013, Excision of land from Class A Reserve 33581 for the upgrade of Gilmore Avenue, Leda, to a dual carriageway in the City of Kwinana, disallowance, be discharged from the notice paper.

*Point of Order*

**Hon SIMON O'BRIEN:** This arises only rarely. When this has come up in the past, our old standing orders—it may have changed—provided, as does the current model, for notices for disallowance to be moved pro forma after a notice of motion is given. The standing orders also provide that they must be dealt with on a certain day. In the case of this disallowance motion, today is the day. I cannot remember the last time this happened but it would be years and years ago. It has been the practice in the past, if we got to the last day, for the question to be put, so the question should be put. In this case, of course, we can all agree and dispose of it by simply voting no, which will have the effect that Hon Robin Chapple has asked for. I think it is important to address this now before we proceed: is it a case that we can, after all this time, when the project has been under the encumbrance of a notice of motion for disallowance, suddenly say, “Forget it; we’ll turf it out”? I do not think the house can do that. I think that on the last day the house has to decide by putting the matter to a vote.

**The DEPUTY PRESIDENT (Hon Adele Farina):** Members, in relation to that point of order, it is competent for the house to consider a motion of disallowance up until the last day and the house is competent to put a disallowance motion, as Hon Simon O'Brien has indicated. It is also competent for the house to consider a withdrawal of that disallowance motion and to have that motion discharged. The fact it is on the last day is not a relevant consideration. The house is still within its competency to consider a motion that the disallowance motion be discharged. That is the question currently before the house.

Question put and passed.