



3rd April 2009

epbc.referrals@environment.gov.au
Katherine.Shelley@environment.gov.au
Chris.Murphy@environment.gov.au

EIA Policy Section - EPBC Act
Approvals and Wildlife Division
DEWHA
GPO Box 787
Canberra ACT 2601

Dear Sir/Madam

JANDAKOT AIRPORT HOLDINGS: JANDAKOT AIRPORT EXPANSION, COMMERCIAL DEVELOPMENT AND CLEARING OF VEGETATION: 2009/4796

The Urban Bushland Council WA makes the following brief submission. Please note that we are advised that we and other community groups have an extension until COB Monday 6 April 2009 to lodge submissions.

In addition please note that we acknowledge and endorse the detailed submission made by the Friends of Ken Hurst Park, a member group of our association.

General comments

- Comments made in our submissions on earlier proposals are relevant to this proposal. We remain firmly opposed to any further clearing of bushland at Jandakot Airport and note with concern that no Government action has been taken against the unauthorised clearing by Jandakot Airport Holdings (JAH) of bushland adjacent to the main entrance to the Airport. Notably also is the confusing (thus fudging), and increasing, areas being proposed for clearing compared with an earlier Master Plan proposal to clear ~120ha.
- We do not accept the relevance of arguments given by JAH that only 1.2% of bushland in a 20km radius is being cleared. What is relevant and important is that the site is recognised by the State as a Bush Forever site; that it is one of the top three sites in the Perth metropolitan region for fauna diversity and habitat; and that at least part of the site is on the intake area to the Jandakot Water Mound which is used for potable supply to the Perth region. Also relevant is that the site is recognised by the Commonwealth as nationally significant being interim listed on the Register of the National Estate; and subject to protection under the EPBC Act. The outstanding conservation significance is clearly understated by JAH.
- The Urban Bushland Council strongly objects to the clearing of regionally and nationally significant bushland for non aviation purposes in what is essentially the buffer zone for airport activities. We do not believe that commercial developments were ever intended when these lands were set aside for aviation. The buffer zone around the airport activities is best left as intact bushland from both the nature conservation perspective and the good land use planning perspective. Safety, noise, access and security are all relevant planning factors.

Specific comments

- **Commonwealth Principles of biodiversity conservation**

The site is in the midst of the biggest and the most important population in the wild of the endangered Grand Spider Orchid *Caladenia huegelii*; one of the best representations of Bassendean central and south vegetation complex; and one of the top three sites for fauna diversity in the Perth region..

According to the *National Strategy for the Conservation of Australia's Biological Diversity* (Commonwealth of Australia 1996) and to which all States are signatories, on page 6 under *Principles* it states:

'The following principles have been adopted as a basis for the Strategy's objectives and actions and should be used as a guide for implementation:

1. Biological diversity is best conserved in situ.'

and no 3 states:

'3. It is vital to anticipate, prevent and attack at source the causes of significant reduction or loss of biological diversity'

and no 8 states:

'8. Central to the conservation of Australia's biological diversity is the establishment of a comprehensive, representative and adequate (CAR) system of ecologically viable protected areas integrated with the sympathetic management of all other areas, including agriculture and other resource production systems.'

All three of these principles apply to Jandakot Airport. Applying no 1, all the *Caladenia huegelii* habitat should be retained and conserved in situ and thus it is not acceptable to clear within the most important population in the wild.

Applying no 3, the principle of prevention, it follows that clearing would result in significant loss of the rare population of *Caladenia huegelii* and thus clearing and disturbance should not be allowed.

Applying no 8, by being listed by the State as a Bush Forever site, Jandakot Airport is part of the CAR reserve system for the Perth region which aims to set aside at least 10% of each ecological community and therefore should not be cleared.

Further we argue that the Commonwealth is obliged to apply its own Objective and Targets for Biodiversity Conservation (Commonwealth of Australia June 2001) especially targets 1.1.2, 1.1.3, and 1.1.4. As intact bushland ecosystems cannot be replanted and replaced, it follows that the clearing of 167 ha of Airport bushland would be in breach of target 1.1.4 which aims to reduce the national rate of clearing to zero. In 1998, 24% of Bassendean Central and South Complex remained in the Perth Metropolitan Region and there has been clearing of this complex since then. Thus the 30% target of 1.1.2 would be breached if clearing at Jandakot were allowed. Furthermore we are advised by the State Government (DEC) that the target of protecting at least 10% of Bassendean Central and South complex has not been met in Bush Forever partly because of clearing at both Perth and Jandakot Airports. Therefore no further clearing of this complex should be allowed at Jandakot Airport (and Perth Airport).

- **Orchid surveys**

We do not believe that adequate surveys of *Caladenia huegelii* have been carried out and because of the precautionary principle, there should not be any approval of clearing as orchids may be present in all the areas proposed for clearing. A detailed analysis of survey information is given by the Friends of Ken Hurst Park and the Orchid Study Group and we draw your attention to their comments on this matter. Further we recommend that DEC be requested to survey the orchids (including *Drakea elastica* and all other orchids) properly at the Airport each year for at least 5 years and that no disturbance or clearing take place.

- **Threatened fauna species**

The site is habitat for 17 significant bird species listed under State legislation and supports significant populations of Splendid Fairy Wren and Grey Shrike Thrush. For these reasons alone there should not be any more clearing allowed at Jandakot Airport.

Significant mammal species (as listed in Bush Forever) include the Honey Possum (depicted on our logo above), Quenda, and Western Brush Wallaby. Significant reptiles include skink lizards *Lerista lineatea*,

Acritoscincus trilineatum, and Black headed snake *Parasouta gouldii*. Habitat for these significant species should not be cleared.

- **Carnaby's Cockatoos**

Jandakot Airport is significant feeding habitat for the endangered Carnaby's Cockatoo. This is an icon species for the Perth region and continuing clearing of their roosting, breeding and feeding habitats is a major community concern. We strongly recommend that no further clearing of their habitat be allowed as these long lived birds are in decline. We expect that the Commonwealth will act to prevent habitat loss on Commonwealth land. 167 ha of complex habitat cannot be recreated. Replanting of individual species would take 15 - 20 years to reach equivalent size so there is an immediate net loss of habitat with clearing. Securing by purchasing another bushland site as an offset is a nonsense for Carnaby's as such a site already exists, and is not an *addition* to existing habitat - it is already being used by the birds. Thus we do not accept the use of offsets as justification for clearing intact habitat for an endangered bird species. If JAH wants land for non aeronautical developments, it should be required to purchase land already cleared.

- **Offsets**

The Urban Bushland Council does not accept the rationale given for approval of clearing (with offsets) where less than 30% of an ecological community remains and a development proposal is not essential or could be located on cleared land. It is well documented that to sustain bird and other species *at least* 30% of habitat is required and this is reflected in the National Biodiversity Targets as discussed above. More disturbing is the fact that the State has not even reached the 10% minimum target for Bassendean central and south vegetation complex in Bush Forever, indeed DEC has reported that less than 5% is secured in Bush Forever sites (G. Whisson DEC pers comm 2008). This is reason alone to refuse permission to clear any more bushland at Jandakot Airport.

According to the Commonwealth requirements for offsets set by the Fiona Stanley Hospital case, a positive offset ratio of at least 4:1 would be required to compensate for the risk of not being able to successfully revegetate a cleared area to a similar complexity as the intact bushland being cleared at Jandakot. Thus for clearing 167 of remnant vegetation as proposed, an offset of at least 668 ha would be required. Precincts 7 and 8 total 90 ha. The revegetation of Precincts 7 and 8 as an offset for clearing 167 ha of remnant vegetation is thus hopelessly inadequate. Furthermore revegetation to an acceptable standard is unproven and JAH has not demonstrated any sincere commitment to conservation. Thus it is not surprising that the community has no confidence in loose promises to revegetate and maintain replanted areas over the long term. The principle of conservation in situ is soundly based: it is better and cheaper and at the lowest risk possible.

The attempt to justify clearing of high quality bushland by revegetating a completely degraded site is totally unacceptable.

It would be much better if JAH were to purchase and use precincts 7&8 for commercial developments and left the other bushland precincts intact.

Even if the offsets met the 4:1 ratio required by the Commonwealth, we would still object strongly to the clearing because there will be a very significant net loss of biodiversity and many species will be put at risk. The clearing of 167 ha will be in breach of both national and state environmental protection laws for endangered species, as well as multiple biodiversity policies, objectives and targets. This is totally unacceptable and the clearing should not be permitted regardless of offset proposals.

JAH should be required to pay a substantial penalty for the 79 ha already cleared without Government assessment or approval. The purchase by JAH of at least 200ha of good quality, intact Bassendean central and south vegetation complex should be a legal requirement for this area alone. This area would then be added to the conservation estate.

By clearing the 79 ha without notification and approval, JAH has displayed an astounding disregard for provisions of the EPBC Act and the inherent conservation values of the site they are privileged to lease from the Crown. Any clearing or disturbance of the bushland should trigger the EPBC Act and thus JAH

is obliged to refer all proposals impacting on the bushland. A Master Plan does not automatically give approval to clearing.

- **Conservation areas in perpetuity**

This proposal for bushland clearing together with the other road proposal (subject to a minor variation) and the paltry offers of offsets presents yet another set of unsatisfactory proposals by JAH, effectively denying or belittling the outstanding conservation significance of the site.

We believe that it is time that the Commonwealth, in consultation with the State, defined the extent of the conservation precincts in law and established formal, legally binding arrangements to manage these areas to maintain their conservation values. We suggest that they be managed by the State DEC under provisions of the EPBC Act and the State CALM Act.

CONCLUSION

The Urban Bushland Council is totally opposed to clearing 167 ha of vegetation for commercial development because the impacts will be environmentally unacceptable. We recommend that DEWHA refuses permission to clear or disturb any part of the 167 ha.

We recommend that conservation areas comprising all existing bushland outside 'airside' be set aside permanently by the Commonwealth under the EPBC Act and that they be managed by DEC on behalf of the Commonwealth according to a legal agreement and with appropriate Commonwealth funding.

We commend the summary prepared by the Friends of Ken Hurst Park and the WA Native Orchid Study and Conservation Group and have attached a copy of it.

Members of the Urban Bushland are willing to discuss this submission with you at any time and would be pleased to meet with you if visiting WA. My direct telephone contact is 089 271 5707.

Yours sincerely

C Mary Gray
President

Urban Bushland Council WA
PO Box 326
West Perth WA 6872
ubc@iinet.net.au

cc DEC
Friends of Ken Hurst Park

ATTACHMENT

SUMMARY BY THE FRIENDS OF KEN HURST PARK

April 2009

In summary, the Friends of Ken Hurst Park and the WA Native Orchid Study and Conservation Group are totally opposed to the proposal to clear 167 ha of remnant vegetation for a commercial development for the following reasons:

- The proposal would result in clearing 167 ha of irreplaceable biodiversity
- The remnant vegetation to be cleared is recognised as regionally very significant through its listing as a Bush Forever site
- The amount of vegetation cleared is a significant proportion of the remaining habitat for Carnaby's Cockatoo, the Grand Spider Orchid and the Glossy-leaved Hammer Orchid
- The loss of 167 ha of habitat would significantly impact on Carnaby's Cockatoo, the Grand Spider Orchid and the Glossy-leaved Hammer Orchid
- The remnant vegetation to be cleared is in very good to excellent condition
- The clearing of 167 ha of remnant vegetation is for commercial gain and is not in the public interest or for the common good
- The number of Grand Spider Orchids and the Glossy-leaved Hammer Orchids present on the site and that would be removed is not known with a sufficient amount of certainty to allow the impact to be assessed adequately
- The proposal for translocating orchids should be the last resort and this is not necessary since the orchids can be conserved in-situ
- Joint management of Jandakot Airport bushland and Ken Hurst Park is not supported by other stakeholders
- The level and sincerity of public consultation is inadequate
- The offsets proposed if clearing was approved are completely inadequate
- there are other feasible and much more environmentally appropriate alternatives.