

8 January 2013

Committee Secretary  
Senate Standing Committees on Environment and  
Communications  
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Knightside Nominees Pty Ltd

Dear Sir/Madam,

**RE: Senate Committee Submission – The Effectiveness of Threatened Species and Ecological Communities’ Protection in Australia**

Please accept this submission made by PGV Environmental on behalf of Eglinton Estates Pty Ltd on the Senate Committee Inquiry on The Effectiveness of Threatened Species and Ecological Communities’ Protection in Australia.

Eglinton Estates Pty Ltd is a major landholder in the North-West Corridor of Perth’s Metropolitan Region. Several land development projects in the North-West Corridor, including a part of the Eglinton Estates’ landholding, have been assessed under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) over the last few years. At least two, of which the Eglinton Estates Pty Ltd project is one, are still being assessed. The two matters of National Environmental Significance that have been the reason for the assessment are the Threatened species Carnaby’s Black Cockatoo (*Calyptorhynchus latirostris*) and the Graceful Sun-moth (*Synemon gratiosa*). We believe that the process of assessment and decision making undertaken by the Commonwealth Department of Sustainability, Environment, Water, Population and Communities (DSEWPC) should be considered by the Senate Committee as we believe these have had an impact on the effectiveness of Threatened fauna species protection in Western Australia.

We have formatted the submission using the Terms of Reference being considered by the Committee as follows:

***Terms of Reference (b) Development and implementation of recovery plans***

There have been 7 Controlled Action assessments for projects in the North-West Corridor of Perth’s Metropolitan Region dating back to 2008. Most of the Controlled Actions were triggered by impacts on Carnaby’s Black Cockatoo and in later years by the Graceful Sun-moth. We understand that the Commonwealth Minister *must* have reference to a Recovery Plan in making a decision. There is no Recovery Plan for the Graceful Sun-Moth even though it has been listed since 2009. The Recovery

Plan for Carnaby's Black Cockatoo prepared by the State (DEC) in 2003 and updated in 2012 has not been endorsed by the Commonwealth despite dozens of projects being assessed, not just in the North-West Corridor and decisions made regarding mitigation and offsets. We believe that a more effective way to manage Threatened species would have been for DSEWPC to put a priority on endorsing or preparing Recovery Plans for Carnaby's Black Cockatoo and the Graceful Sun-moth so that assessments and decisions can be made on a sound and agreed scientific basis. We have seen no evidence in DSEWPC prioritising Recovery Plans to assist in decision-making.

***Terms of Reference (c) Management of critical habitat across all land tenures***

The cost of protecting two Threatened species in the North-West Corridor, is immense when compared to the amount of funding provided to other Threatened species in Australia. The cumulative cost to land developers for the Controlled Action assessments is more than \$100 million. One of these species, the Graceful Sun-moth has been delisted at the State level and the science on the threatened status of Carnaby's Black Cockatoo is extremely basic and somewhat deficient. We believe that other species that are scientifically known to be severely threatened do not get this sort of protection and funding. There needs to be a balance in managing Threatened species throughout Australia and not just targeted where the easy money is, ie land developers. The precautionary principle is laudable but out of proportion. If landowners/developers are required to provide this level of protection the Federal government should do even more for the other species which are also threatened but may not have a ready source of private funding to draw on.

***Terms of Reference (e) Timeliness and risk management within the listings processes***

We request that the Committee investigate the process of reviewing listings under the EPBC Act after the State's have changed a species' status. Our concern has been raised over the long time lag between the State's firstly downgrading then secondly delisting the Graceful Sun-Moth from the State Threatened Species list. We understand that the paperwork for the downgraded has been with DSEWPC for a year and the paperwork for the delisting has been with DSEWPC for several months. Yet the Graceful Sun-moth is still listed as Endangered under the EPBC Act. As a result, projects being assessed as Controlled Actions for the Graceful Sun-moth are being assessed at the level of Endangered and onerous and expensive conditions being placed or considered on projects when the species should have been removed from the Threatened fauna list.

***Terms of Reference (g) Any other related matter***

The long delays experienced in determining some Controlled Actions, over 2 years in some cases, has not resulted in effective protection of Threatened species in the North-West Corridor. The information on species improves over years, resulting in changes to the ways in which impacts are mitigated and offset. For Carnaby's Black Cockatoo, the type of mitigation and offset have become more onerous since the first Controlled Action in the North-West Corridor in 2008. The recent application of the Commonwealth's Offsets Calculator has further increased the cost of mitigation and offset. As stated above, the Graceful Sun-moth should probably be delisted from the

Commonwealth list yet several projects are still being assessed as if the species was as endangered as when the project was referred several years ago. We believe this is unfair to the projects with protracted assessment paths.

Our final point is the needless doubling up of assessments of projects at the State as well as the Commonwealth level. The effective protection of Threatened species should only require one process. For Western Australia, the *Environmental Protection Act 1986* provides effective assessment process for the assessment of land development and the protection of Threatened species. There does not need to be a second assessment by the Commonwealth.

If you have any queries please contact the undersigned.

Yours sincerely

Paul Van der Moezel  
Managing Director