

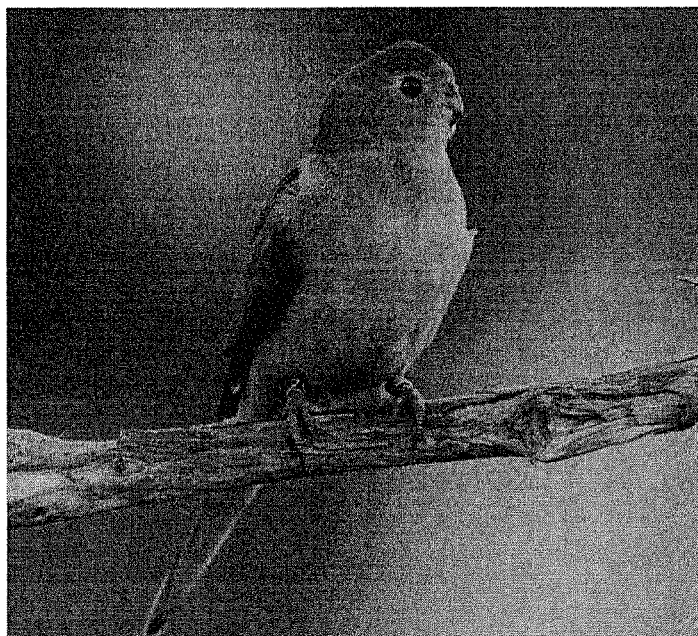
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15 June 2007

Submission No:59.....

To The House of Representatives

Submission to the
Inquiry into developing Australia's non-fossil fuel
energy industry



The Orange-bellied Parrot is listed as Critically Endangered under the Environment Protection and Biodiversity Conservation Act and Endangered under the Japan Australia Migratory Bird Agreement and yet the Department of Environment and Water has failed to act to protect that species in accordance with law.

".....there is no reason to believe that moving the turbine locations so that none are within two km of the coast would benefit to the Orange-bellied Parrot."

Orange-bellied Parrot Recovery

1.0 INTRODUCTION

The use of renewable energy in Australia has been going on for many years with people installing solar hotwater services and photovoltaic panels on their house roofs and wind mills on farms to pump water. These implementations of renewable energy technology have occurred with little fuss or bother and have not required individual environmental analysis or approval by government bodies. Clearly if there had been matters of environmental concern they would have become apparent over time but this has not happened.

The wind industry has been operation in Australia for over five years and State and Federal Governments have been issuing approvals for the establishment of wind farms. What has become apparent is that there are a wide range of negative environmental impacts including the impact of these industrial complexes on wildlife. The approval process passes through tiers of Government and what should be of particular concern to Federal parliamentarians is the way assessment and approvals are being handled by the wind industry, flora and fauna 'experts', and the Federal Department of Environment and Water.

It is unacceptable that a number of wind farms in important wildlife areas have been approved by the Minister under the Environmental Protection and Biodiversity Conservation Act. These approvals invariably result from the recommendations by staff in the Department of Environment and Water. Wind farm approvals of serious concern because of their threat to wildlife include Musselroe and Woolnorth in Tasmania and Yambuk and Bald Hills in Victoria and no doubt there are others. These are all located in, or abutting, important wildlife habitats and some of the species under threat are listed as nationally endangered under the EPBC Act and/or listed as migratory under treaties with Japan and China which unambiguously require the protection of them and their habitats.

This submission highlights the inadequacy of proper assessment of wildlife impacts by the Department of Environment and Water and is presented so that parliamentarians will be aware how this occurred and hopefully take action to rectify the situation.

2.0 ORANGE-BELLIED PARROT PROTECTION

In April 2006 Senator Ian Campbell refused approval of the proposed Bald Hills wind farm based on the threat to the Orange-bellied Parrot. This resulted in many other threatened species that would be affected by the wind farm also being protected. As most bird observers that live in South Gippsland know the threat to the Orange-bellied Parrot and a range of other birds and bats is very real.

When Senator Ian Campbell chose to consider a further submission from Wind Power Pty Ltd for the proposed Bald Hills wind farm others were invited to comment on that submission. One of the submissions was from the Orange-bellied Parrot Recovery Team, a group comprised of representative of the NSW, SA, Vic and Tas conservation departments. The submission, responding to the contrivance by Brett Lane and Associates Pty Ltd that Orange-bellied Parrot movements were confined to within 2 kilometres of the coast, stated the following.

"1. Flight paths of the Orange-bellied Parrot

The submission by the proponent places great store in a claim that 'the OBP is predominantly found within 2 km of the coast and that this 2 km strip represents the bird's migratory path'. Based on this claim, the proponent has gone to considerable lengths to adjust the proposed turbine layout to avoid sites within two km of the coast.

Unfortunately, the basic assumption has no basis – it is erroneous in fact and is a misinterpretation of the Biosis report (Smales et al. 2005). The relevant section of Smales et al. (2005) is section 2.4.3 (p. 20) which states:

'For the purposes of modelling, we have 'confined' the movements of parrots to a two-kilometre wide strip that is the length of the geographic range of the parrot and incorporates all of the relevant wind farms. In the model this does not mean that birds cannot interact with inland wind farms, but it artificially constrains the population to a strip of a width that appears to be realistic. This parameter of the model can thus only serve to overestimate risk to parrots by not 'allowing' them to fly outside of a zone which contains the wind farms.' [underlining is our emphasis]

This paragraph clearly indicates that the assumption of the two km wide strip was an artificial construct for the purposes of the model. It does not follow that Orange-bellied Parrots are constrained by this artificial construct, nor does it follow that, in reality, wind turbines that are more than two km from the coast automatically pose zero threat. Indeed, there are some well-known and obvious cases that negate that assumption (see below).

While all known feeding locations of the Orange-bellied Parrot are close to coastal saline environments, there is no reason to assume that Orange-bellied Parrots slavishly follow the coast when undertaking longer movements between feeding habitats or when migrating. In fact, there are likely to be strong natural selection pressures for migrating birds to minimise the energetic and physiological costs of migration by taking the most energetically efficient and safest route between two points. Indeed, the monitoring of Orange-bellied Parrot movements at the Woolnorth windfarm concluded that Orange-bellied Parrots cut across the north-west corner of Tasmania rather than following the coast. Another example concerns the known movements of Orange-bellied Parrots (established by observations of colour-banded birds) between feeding habitats at Lake Connearre and The Spit Nature Conservation Reserve in Port Phillip. To follow the coast between these points would involve a circuitous flight of about 100 km, whereas the straight line distance between them is 22 km. It makes no biological sense to assume that the birds would stay within two km of the coast, and fly five times further than they needed to, in this instance. Similarly, birds migrating to and from points east of Bald Hills, or commuting between habitat at Point Smythe and Corner Inlet, for example, are likely to take a direct line across Cape Liptrap rather than following the coast around the Cape.

It therefore follows that there is no reason to believe that moving the turbine locations so that none are within two km of the coast would benefit to the Orange-bellied Parrot."

Subsequent to receiving and considering submissions the decision to approve the Bald Hills wind farm was based on the assumption that the Orange-bellied Parrot flight paths were confined to within 2 kilometre of the coast. The Department of Environment and Water in considering submissions and making recommendations to the Minister should have referred this particular

submission to the Minister and advised him that the claim by Brett Lane and Associates was not supported by Australia's leading authority on the Orange-bellied Parrot.

The 'statement of reasons' for the proposed Bald Hills that followed the December 2006 approval of the Bald Hills wind farm makes no reference to the Orange-bellied Parrot Recovery Team submission or any consideration of its contents.

A copy of the Recovery Teams records of confirmed sightings of Orange-bellied Parrots in South Gippsland is in Attachment A. This confirms that the Orange-bellied Parrot frequents South Gippsland and is highly likely to fly through the wind farm site.

3.0 PROTECTION OF OTHER THREATENED AND MIGRATORY BIRDS

The submission of Birds Australia to the review of Senator Campbell's original decision reflects the concerns of many other conservation organisations about the inappropriateness of the Bald Hills wind farm. These include the Bird Observers Club of Australia, Australian Conservation Foundation, Westernport Bird Observers Club, South Gippsland Conservation Society, Victorian National Parks Association to name a few.

The submission of Birds Australia is as follows:

"Birds Australia is Australia's peak ornithological organisation with over 7,000 members. Founded in 1901. Birds Australia is Australia's oldest national conservation organisation. Birds Australia is dedicated to the study and conservation of native birds and their habitats. Its extensive bird monitoring programs range from the encyclopaedic "Atlas of Australian Birds" to specific programs such as the current Orange-bellied Parrot sightings activity. It is the authoritative source of information on the specifics of Australian bird habitats, behaviour and movements and sponsors and conducts extensive research programs on bird-related issues and subjects.

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Birds Australia has the scientific standing to comment on this matter because the Minister for the Environment and Heritage's decision to not approve a proposal; to construct and operate a wind farm at Bald Hills, Victoria was made under Section 133 of The Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). The basis for this action was the considerations relevant to a controlled action under Section 136 of the EPBC Act which considered the impact of the proposed wind farm on endangered bird species and migratory birds.

Birds Australia believes that a Bald Hills wind farm would present unacceptable threats to a number of bird species protected under the EPBC Act, International Treaties and the Victorian Flora and Fauna Guarantee Act. The proposed wind farm is adjacent to the important Bald Hills and Kings Flat Nature Conservation Reserves and close to the Cape Liptrap Conservation Park. These are the only significant, remnant wet and grass land havens for birds in a coastal region rich in bird life dominated by agricultural land not conducive for bird habitat. The proposed wind farm is located on a fly-way between the major migratory shore bird South Gippsland wetlands at Corner and Anderson's Inlets. The area is also crossed by Australian migratory species moving between Victoria and Tasmania

and within Southeast Australia. Cape Liptrap and Wilsons Promontory are key arrival and departure locations for birds migrating to and from Tasmania.

*The Orange-bellied Parrot is one of the birds which winter in South Gippsland and pass through the region on their migration to and from Tasmania. However, we believe that the Minister should not have based his decision **only** on the specific threat to the Orange-bellied parrot but rather on the broader premise of threats to a number of threatened and protected migratory species which are known to inhabit or pass through the Bald Hills region. While there is insufficient data to justify the decision on the basis of a threat to the Orange-bellied Parrot, there is sufficient knowledge and data to justify a decision to not approve the wind farm proposal because of threats to other species of birds."*

The information contained in this submission was clearly ignored by the Department of Environment and Water. For reasons unknown they appeared to charter their own course which paid no attention to the Minister or the submissions of Australia's leading authorities on the conservation of Wildlife.

The employees of the department continued to rely on the flora and fauna field survey and impact assessment work of Brett Lane and Associates Pty Ltd even after it had been brought to their attention that the Victorian panel considering the EES had slammed that work. This was particularly so in relation to EPBC Act matters. The relevant comments of the panel are at Attachment B.

To achieve the outcome the department wanted they chose to shop around for opinions from people who, by their own admission, had no survey or field experience at Bald Hills.

It is hard to understand the motives of the employees of the Department of Environment and Water but it is patently obvious that they do not operate in an open and transparent manner. Further more they do not appear to be accountable. This is something parliamentarians from all parties should be concerned about.

Also included to be read with this submission are my submissions to the panel in response to the Bald Hills wind farm EES (Attachment A1 – a separate document) and my submission to the Department of Environment and Water in response to the submission by Wind Power Pty Ltd. (Attachment A2 – a separate document).

4.0 SUMMARY

Woolnorth has killed at least nine nationally endangered Tasmanian Wedge-tailed Eagles and yet nothing is being done by the Minister or the Department of Environment and Water to stop the carnage on this small population of unique birds.

When the Minister Ian Campbell decided to not approve the proposed Bald Hills wind farm employees of his department made public statements that contradicted his efforts to protect the Orange-bellied Parrot and the many other threatened and migratory birds that use or fly through the area. The content of the 'statement of reasons' for the later approval of the wind farm clearly indicates the effort the department went to to get it approved.

The submissions from the Orange-bellied Parrot Recovery Team and Birds Australia, both leading authorities, contain expert opinions which dismissed the contrivances of Brett Lane and

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Associates Pty Ltd and opposed the proposed Bald Hills wind farm on the basis of the need to protect wildlife. Evidence contained within this submission demonstrate that there are serious problems with the way the EPBC section of the Department of Environment and Water operates and the House of Representatives should take this opportunity to examine why wind power is being treated so favourably by this department.

5.0 CONCLUSION

Parliamentarians from all parties would do well to carefully examine the way in which the Department of Environment and Water has handled the Bald Hills wind farm proposal. Laws to protect wildlife go back centuries and have evolved with good reason. They need to be adhered to, not merely used as a convenient screen of words.

Your Sincerely

Marion Chapman