



Conservation

DON SAUNDERS AND JENNY LAU

Eastern Great Egret. Photo: R. Mackenzie

A WIN FOR THE ENVIRONMENT AND GRASS OWLS

Five years ago, BOCA wrote to the NSW Minister for the Environment and the Mayor of Hastings Council objecting to the actions of that Council in clearing and constructing road formations through the Partridge Creek wetland (see *The Bird Observer* 831 p23).

This environmentally sensitive wetland is formally designated as an Acid Sulphate Hotspot of high conservation significance and supports a number of State-listed threatened species of flora and fauna, including the Eastern Grass Owl.

A local, Bill Saunders, has pursued this issue vigorously and his efforts, along with other concerned individuals and agencies, resulted in a resounding win against the Council in the Land and Environment Court of New South Wales. Bill has provided the following summary of the case under the heading “**Landmark Court Outcome at Partridge Creek**”.

“In a judgement handed down by Mr Justice Lloyd in the Land & Environment Court on 6/2/09, Port Macquarie-Hastings Council were ordered to pay fines and costs totalling \$274,000 for breaches of the NP&W Act and Fisheries Management Act to which they had pleaded guilty.

Their then Director, Mr Geoff Freeman, was also ordered to pay \$224,500 for offences against the NP&W Act. He had pleaded not guilty but Justice Lloyd, on 31/7/07, found the offences with which he had been charged proved beyond all reasonable doubt.

Under an agreement dated January 2003 between the State Government and the then Hastings Council, a freshwater wetland was to be re-established at Partridge Creek to help control acid run-off (450 tonnes pa). A Plan of Management was drawn up, designed to mitigate potential impact of rising water levels on the endangered species located at the site, including the Grass Owl and its prey, the Eastern Chestnut Mouse.

Notwithstanding this, Director Freeman constructed a dirt road east/west across the wetland within 100 metres of the reported nesting site of the owl and another running north/south along the western bank. He had reportedly been warned his actions were illegal by fellow staff members.

I visited the site and was appalled at the damage which had been inflicted and the danger the roads posed for the endangered species, particularly the easy access it gave to dogs, foxes and feral cats.

It took a long concerted effort by John Jeayes, Secretary of North Coast Environment, Tony Bischoff, myself and various departmental officers to have the law enforced. In over 300 prior cases involving breaches of the Acts covering endangered species, there had not been one prosecution and I understand there have been none since. This is a landmark case as it is the first occasion a member of staff has also been charged and convicted.

The outcome has been widely circulated throughout NSW Local Government offices and they will be obliged to ensure they comply with environmental laws relating to endangered species and wetlands in future or face prosecution. Port Macquarie-Hastings Council have changed the way they handle these issues and have entered into a 10 year rehabilitation program for the area costing \$350,000. Of course all this is borne by ratepayers, with estimates for the total cost of the case ranging up to \$1,200,000. Mr Freeman has resigned.

All transcripts are readily available on the internet via NSW Land & Environment Court (Garrett vs Freeman 1-5). According to surveys conducted in the last two years the owl and mouse are still in residence and there are strong reasons to believe they will remain so into the future.”

Bill Saunders, Port Macquarie, 10 March 2009

WESTERN PORT STUDIES

BOCA volunteers have been carrying out surveys of the birds of Western Port on a continuing basis since 1973. The data from these surveys have been used for many important policy and planning decisions. Now two new projects have commenced which will make extensive use of the survey data.

The first of these is Western Port Welcomes Waterbirds, a project for which the Central Coastal Board has been funded by the Australian Government Caring for our Country program. The objective of the study is to identify the threats and manage critical habitats for waterbirds in the Western Port Ramsar site.

Initially, the project will involve analysis of the BOCA survey counts and shorebird banding data. BOCA's counts relate to high-tide roosting sites and this will be supplemented by identifying the main waterbird feeding and breeding areas of Western Port, giving a better understanding of how Western Port's coastal and marine habitats are utilised by waterbirds.

Volunteers will be encouraged to participate in surveys and community forums will be organised to help identify the main threats to habitat values at each of the feeding, roosting and nesting sites. This will be followed by development of management programs to address the threats.

BOCA's Conservation Coordinator is a member of the Steering Committee for the project.

The second project involves preparation of an Ecological Character Description (ECD) for the Western Port Ramsar Site. This will describe the ecology of the Ramsar site using quantitative measures where possible and following a standard format developed by the Commonwealth Department of Environment. The ECD will not include management actions but should provide valuable information for future planning and management. BOCA is represented on the Steering Committee for the project by the chair of BOCA's Conservation Committee, Dr. Xenia Dennett, who is also the convenor of BOCA's Western Port Survey.

STOCKYARD HILL (VICTORIA) WIND FARM

More than 280 wind turbines and associated infrastructure will surround Lake Goldsmith if the Stockyard Hill Wind Farm proceeds. The site is 40km west of Ballarat, between Beaufort and Skipton. The Lake is well known to BOCA's Ballarat Branch, which organised outings there in the past when it held water; it has been dry for some years.

Consultants carried out a flora and fauna assessment for the developers. This was submitted to the Victorian Minister for Planning, who determined that an Environment Effects Statement (EES) was not required, even though BOCA and many other groups and individuals had requested that a full EES be undertaken for the project.

When it has water Lake Goldsmith is extremely important for waterbirds. It is a well-known breeding and flocking site for Brolgas (this was recognised by the consultants) but may also support thousands of waterbirds, including a number of species listed under the Commonwealth EPBC Act. For example, the 1994 newsletters of the Ballarat Branch of BOCA recorded from Lake Goldsmith thousands of Sharp-tailed Sandpipers, some Curlew Sandpipers, 48 Marsh Sandpipers and 10 Greenshanks; the Branch has also recorded Long-toed Stint and Pectoral Sandpiper from the Lake. None of these species other than Sharp-tailed Sandpiper was mentioned in the flora and fauna assessment report list of "fauna species that occur or are likely to occur in the study area".

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Following the Victorian Minister's decision, BOCA wrote to the Federal Minister for the Environment drawing his attention to the inadequacy of the fauna report in so far as EPBC listed species were concerned. As a result, Minister Garrett has requested further information on the occurrence of EPBC listed migratory species at Lake Goldsmith and the developers are required to consult local birding groups; this is being done with the Ballarat Branch of BOCA.

BUSHFIRES ROYAL COMMISSION

BOCA made a submission to the 2009 Bushfires Royal Commission seeking leave to appear before the Commission. The request was based on BOCA's wish to address certain aspects of the Royal Commission's second Term of Reference:

The preparation and planning by governments, emergency services, other entities, the community and households for bushfires in Victoria, including current laws, policies, practices, resources and strategies for the prevention, identification, evaluation, management and communication of bushfires threats and risks.

BOCA recognises that fire has played an essential role in shaping Australia's ecosystems and that fire management is important for the protection of the community and maintenance of healthy ecosystems. However, BOCA has major concerns about the potential impacts of Victoria's fire risk management policies and practices on birds and their habitat. These concerns arise from:

- a lack of knowledge of the long-term impacts of prescribed burning practices (intensity, frequency, season, size) on birds and wildlife habitat;
- potential impacts of other fire risk management practices such as vegetation clearance and mowing on birds and wildlife habitat. This is particularly relevant in landscapes that have



Heat-stressed Powerful Owl at Ivanhoe, Vic on Black Saturday. Photo: Annette Hatten



Grey-crowned Babbler, Bundaberg, Qld. Photo: Trevor Quested

WHERE ARE OUR GREY-CROWNED BABBLERS?

In the past, eastern Grey-crowned Babblers, *Pomatostomus temporalis temporalis*, were widespread and pretty common throughout the woodlands on the slopes and alluvial plains of eastern Australia, from South Australia and western Victoria to Cape York in Queensland. However, they are now extinct in South Australia, endangered in Victoria, and threatened in New South Wales. This decline in the babbler population appears to be gradually moving north.

Some people think there is nothing to worry about in Southeast Queensland – “they are always about”. Others think there has been a serious decline. We need to get the facts, so that we know whether there is a really serious problem, and if so, we can plan to help our babblers.

The Birds Queensland Management Committee has approved a project to establish the status of Grey-crowned Babblers in Southeast Queensland, and to compare this with where they were before, so we can see if they are declining. The study area is east of the Great Dividing Range, that is, roughly east of Toowoomba and Crow’s Nest, and north to Gympie.

You can help! This is not a project for specialist teams – it is a project for everyone! It is easy because everyone can identify Grey-crowned Babblers, and you can do it as part of your normal bird watching – you don’t have to climb mountains or wade through swamps! You are asked to search for Grey-crowned Babblers, count them, record all sightings (including EXACT location – GPS if possible) and report them either direct to the Birds Australia Continuing Atlas, or to me, Margaret Cameron (Don’t forget to include your own contact information, especially email if you have it).

Atlassers should, if possible, submit their one-off sightings, including the number of birds in the group, as incidental Atlas records, as well as reporting Grey-crowned Babblers seen on any surveys they do. Sightings reported to me by people who are not Atlassers will be submitted to the Atlas as incidental sightings on the Birds Queensland Atlas number.

We should then have information of the situation at the time of both Atlases, and in 2009. Please support this project! Not only is participation easy, it is enjoyable (everyone likes babblers, they are fun to watch), and it is obviously worthwhile – it would be terrible to lose such an iconic bird.

Note. This project only applies to Southeast Queensland and counting is very important.

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largely been cleared of native vegetation and roadside vegetation which is often of very high conservation value;

- the legacies of recent large-scale wildfires in Victoria on birds and wildlife habitat; and
- the predicted impacts of climate change on birds, wildlife habitat and wildfire risk.

Although not covered by the above Term of Reference, BOCA also has concerns about the practice of “burning out” unburnt areas within the boundaries of a controlled fire. This is now a widespread strategy which, in some circumstances, will be burning areas which are refuges for fauna and potential sources of plants and animals to re-colonise surrounding burnt areas.

BOCA was notified that the Commission did not consider the matters raised by BOCA warranted leave to appear. The Commission letter explained that leave to appear is primarily directed at an entity or person whose conduct is under direct scrutiny by the Commission; but, if evidence or issues arise that may affect BOCA adversely, BOCA will be notified and given the opportunity to appear.

BOCA will now concentrate on a written submission to the Royal Commission covering issues of concern relating to birds and their habitats.

WATER FOR SOUTH AUSTRALIAN WETLANDS

Four South Australian wetlands are receiving environmental water as a result of the Australian Government's water buyback program. The water release to the sites commenced at the end of March 2009 and is proposed to deliver more than one billion litres over a period of several weeks.

A joint media release from the Australian and South Australian Governments, dated 24 March 2009, announced that the sites to be watered were:

Chowilla Floodplain, an icon site of *The Living Murray* Initiative and part of the Riverland Ramsar site, containing large areas of River Red Gum, Black Box woodland and diverse wetland habitats, will receive 286 million litres to complement 350 million litres provided by the South Australian Government.

Paiwalla Wetland, between Mannum and Murray Bridge, listed in the Directory of Important Wetlands of Australia, containing rare and nationally listed species and frequented by significant populations of migratory water birds, will receive 475 million litres.

Carpark Lagoons on the Katarapko floodplain in the River Murray National Park, near Berri. Katarapko, a diverse floodplain and wetland habitat for a range of aquatic and terrestrial animals, will receive 200 million litres targeted at protecting River Red Gums.

Rocky Gully, also near Murray Bridge, a refuge site for a range of rare and nationally listed species and one of the last remaining refuge sites across the Basin for the Murray Hardyhead, has been allocated 80 million litres.

More information about the sites receiving water is available at: www.environment.gov.au/water/environmental/cewh/index.html



Buff-breasted Sandpiper (subject to BARC review) photographed by Chris Barnes, Bundaberg, Qld, 1 March 2009 (see Bird Notes page 22).



Heat-stressed Bell Miners in Ivanhoe, Vic, on Black Saturday
Photo: Annette Hatten

“GET THE ALBATROSS OFF THE HOOK”

Funds are being raised to support a research project for developing a bait setting capsule to prevent seabirds being caught on the longlines of the tuna and Patagonian tooth-fish fishing boats. Graham Robertson of the Australian Antarctic Division is designing, building and testing this capsule to be eventually mounted onto the vessels.

BirdLife International estimates that more than 300,000 seabirds, including 100,000 albatrosses are killed by longlines each year. Nineteen of the world's 22 species of albatross are seriously threatened by longline fishing.

Neil Roberts, former AFL footballer, Brownlow medalist and an accomplished artist held a very successful exhibition selling his paintings for the research fund, raising in excess of \$30,000. Neil has participated in a winter expedition to Antarctica as OIC Mawson and also as a guide for Peregrine Adventures: his paintings reflect the awe inspiring atmosphere of the great white South.



Black-browed Albatross. Photo: Geoff Jones

To raise additional funds, Neil and several other Antarctic Artists are holding another exhibition in Geelong. The details are as follows:

“Get the Albatross off the Hook” Art Exhibition

Shearer's Arms Art Gallery
202 Aberdeen Street, Geelong
Date: Friday 3rd July 2009 to Friday 10th
Opening night: Friday 3rd at 6.30 pm