

# Appendix 7

## Jandakot Airport development

### Overview of the project<sup>1</sup>

#### *Introduction*

7.1 The Jandakot Airport is located to the south of Perth CBD. In 2009, a proposal was made to construct a fourth runway and associated taxiways, runway extensions, and clear land for the development of aviation and commercial precincts. The site was entered on the Interim List of the Register of the National Estate as one of the best remaining examples of Banksia woodland on the Swan Coastal Plain and was listed as a Bush Forever site by the Western Australian Government.

#### *Impact of the project*

7.2 The impact of the development project included:

- the clearing of approximately 167ha of native vegetation (Banksia woodland and a small portion of Paperbark woodland) and suitable habitat for the Carnaby's Black-Cockatoo, the Grand Spider Orchid, and the Glossy-leaved Hammer Orchid;
- the translocation of 40 Grand Spider Orchids; and
- the translocation of four Glossy-leaved Hammer Orchids.

7.3 The Department of the Environment (the department) also indicated that Commonwealth land would be affected by removal of vegetation, disturbing soil, building on a priority 1 drinking water source area for the Jandakot Groundwater Mound, removal of habitat for species of regional significance including the Quenda (and the Western Brush Wallaby noise and traffic impacts on surrounding residential areas, and removal of an area listed on the Register of the National Estate (RNE).<sup>2</sup>

#### *Assessment of the proposal*

7.4 The Jandakot Airport development was referred to the department on 17 March 2009. On 17 April 2009, the proposal was determined to be a controlled action, to be assessed by preliminary documentation. The department received 15 public comments during the referral stage and eight public comments were received by the proponent during the assessment.

7.5 The department indicated that at the time of assessment, Jandakot Airport Holdings (JAH) already had management plans for flora and vegetation,

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1 The following overview of the project is based on the information provided by the Department of the Environment, *Submission 79*, Attachment A, pp 15–16. See also EPBC Referral 2009/4796 [http://www.environment.gov.au/cgi-bin/epbc/epbc\\_ap.pl?name=current\\_referral\\_detail&proposal\\_id=4796](http://www.environment.gov.au/cgi-bin/epbc/epbc_ap.pl?name=current_referral_detail&proposal_id=4796)

2 Department of the Environment, *Submission 79*, Attachment A, p. 15.

environmental weeds, fauna, feral animals, dieback, ecological restoration and fire. In addition, within the Jandakot Airport lease there were several dieback affected areas which were the subject of active dieback management by JAH to contain the disease.

7.6 The proposal was approved on 25 March 2010, subject to a number of conditions of approval, including requirements for the provision of offsets.

### ***Offset requirements***

7.7 Condition 5 of the EPBC Act approval conditions required the proposed rehabilitation of a former sand extraction area, creating a continuous conservation area of approximately 657 ha.<sup>3</sup> These proposed works did not progress after the approval was issued due a lack of agreement to the rehabilitation works from the relevant third-party.

7.8 In response to Condition 5 not advancing past planning stages, JAH was required to work with Western Australian Government toward successful offsite rehabilitation of Carnaby's Black-Cockatoo habitat with use of the topsoil sourced from staged clearing at the Jandakot Airport. This was determined as a direct offset valued at \$9.2 million.

7.9 The approval decision also required:

- placement of a minimum of 1600ha of recognised Carnaby's Black-Cockatoo habitat under ongoing conservation protection;
- expenditure of a minimum of \$750,000 over five years for the research on recovery actions for Carnaby's Black-Cockatoo and the direct conservation management of the Jandakot Airport site conservation areas;
- measures to fund and provide on-site assistance for the Jandakot Rare Orchid Research Program, to be undertaken by Botanic Gardens and Parks Authority researchers, with the aim to assist the research in ensuring the continued viability and increase numbers of Grand Spider orchid.

7.10 An Offset Plan was submitted to the department in March 2010 and approved on 10 June 2010.

7.11 The department commented that the proponent had satisfied the condition in relation to the 1600 ha of Carnaby's Black-Cockatoo habitat through the provision of 2460ha to the Department of Parks and Wildlife (DPaW) for inclusion within the National Reserve System.

### ***Auditing and monitoring***

7.12 On 12 November 2012, Jandakot Airport Holdings was instructed to undertake a directed independent audit. This audit was submitted to the department in May 2013. Two potential non-conformances with the approved Offset Plan were identified, relating to a failure to meet deadlines. The department stated that 'as these non-conformances were administrative in nature (failure to make payments prior to

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3 <http://www.environment.gov.au/epbc/notices/assessments/2009/4796/approval-notice.pdf>

clearing commencing), and resulted in no materially adverse environmental impacts, the auditors did not consider this to be a significant non-compliance'.<sup>4</sup>

7.13 The department indicated that it has been actively monitoring the Jandakot development. Activities undertaken to date include:

- consideration of annual Conservation Management Plan reporting;
- project site visit and topsoil rehabilitation offset site visit in October 2012; and
- requests for amendments to management plans and variations to conditions.<sup>5</sup>

### ***Further assessment***

7.14 On 23 October 2013, JAH referred the clearing of 51 ha of high quality Banksia woodland to enable expanded aviation aircraft operations (including administration and training) and aircraft maintenance (EPBC 2013/7032). The proposed action was deemed a controlled action with the controlling provisions being sections 18 and 18A (Threatened Species and Communities) and sections 26 and 27 (Commonwealth land).

7.15 The department indicated that, as of 4 April 2014, the proposal was still under active assessment. An offsets proposal was included in the assessment information published for public comment.

### **Issues with proposed offsets**

7.16 As noted in Chapter 6, the committee does not intend to comment on particular projects. However, the committee notes that submitters and witnesses raised a number of key issues in relation to the offsets conditions for this project. These included:

- whether the mitigation hierarchy has been properly followed, given that as argued by Professor Richard Hobbs and Dr Leonie Valentine, 'there was never any suggestion that the site at Jandakot would not be developed, despite the Banksia woodland there being identified as being of high conservation value during the Bush Forever process';<sup>6</sup>
- whether the offset requirement met the requirement to 'improve or maintain' (as discussed in Chapter 3) due to problems with locating a suitable site resulting in compromises and lack of knowledge of the outcome of the proposed action (transfer of topsoil to the offset site to create Banksia woodland);<sup>7</sup>

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4 Department of the Environment, *Submission 79*, Attachment A, p. 16.

5 Department of the Environment, *Submission 79*, Attachment A, p. 16.

6 Professor Richard Hobbs and Dr Leonie Valentine, *Submission 25*, p. 1.

7 Professor Richard Hobbs and Dr Leonie Valentine, *Submission 25*, p. 1; Urban Bushland Council of WA, *Submission 53*, p. 1; Dr Denis Saunders AM, Director and Founding Member, Wentworth Group of Concerned Scientists, *Committee Hansard*, 6 May 2014, p. 17

- timing issues with the offsets in that there will be a time lag between the destruction of woodland habitat and the maturation of the offset habitat to a point that it can support the Carnaby's Black-Cockatoo;<sup>8</sup>
- failure to adequately consider the equally endangered Grand Spider Orchid (*Caladenia huegelii*) in the offset;<sup>9</sup>
- lack of transparency in relation to indirect financial offsets;<sup>10</sup>
- issues with monitoring of approval conditions;<sup>11</sup> and
- a barrier to the transfer of the offset to the conservation estate due to the offset area being seen as 'prospective' for mining under the *Mining Act 1978*.<sup>12</sup>

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8 Professor Richard Hobbs and Dr Leonie Valentine, *Submission 25*, pp 1–2; Dr Denis Saunders AM, Director and Founding Member, Wentworth Group of Concerned Scientists, *Committee Hansard*, 6 May 2014, p. 17.

9 Urban Bushland Council of WA, *Submission 53*, p. 1; Wildflower Society of Western Australia, *Submission 64*, p. 2.

10 Friends of Ken Hurst Park, *Submission 65*, p. 5; Australasian Bat Society Inc, *Submission 69*, pp 4–5.

11 Wildflower Society of Western Australia, *Submission 64*, pp 4–5; Friends of Ken Hurst Park, *Submission 65*, pp 4–5.

12 Wildflower Society of Western Australia, *Submission 64*, p. 3.