

**Appendix 2: Addendum Report to the Report on Belconnen Naval
Transmission Station Site as part of the Investigation into ACT
Lowlands Grasslands by Dr Maxine Cooper Commissioner for
Sustainability and the Environment, 28 March 2008**

**ADDENDUM REPORT TO THE REPORT ON BELCONNEN
NAVAL TRANSMISSION STATION (BNTS) SITE AS PART OF
THE INVESTIGATION INTO ACT LOWLAND NATIVE
GRASSLANDS**

**From
Dr Maxine Cooper
Commissioner for Sustainability and the Environment
28 March 2008**

Table of Contents

Introduction.....	2
Background.....	2
Consideration of relevant matters	3
Matters agreed to by the experts	4
Conclusion	6
Attachment A Matters Agreed to by the Experts.....	7
Attachment B NSW Department of Environment and Climate Change clarification with respect to Wildcare’s proposal for translocating the kangaroo population at BNTS.....	10
Attachment C Letter (7 February 2008) from NSW Department of Environment and Climate Change to Commissioner concerning translocation.....	11
Attachment D Commissioner’s Recommendations of 26 February 2008.....	13

Introduction

On 17 March 2008 the Office of the Chief Minister, Minister for the Environment, Water and Climate Change requested further advice following the submission of my report on the Belconnen Naval Transmission Station (BNTS) site as part of the investigation into ACT Lowland Native Grasslands (<http://www.envcomm.act.gov.au/investigation>). The Office of the Chief Minister requested that further advice be provided with respect to firstly, the findings by Defence's expert panel and secondly, a possible scientific trial of translocation involving kangaroos from BNTS. This document provides this additional information and is an addendum to my earlier report.

Background

In order to address the above request, on 20 March 2008, I and Major General Liz Cosson, Department of Defence, co-chaired a meeting of the experts engaged by my Office, namely Dr Andrew Braid (CSIRO Veterinarian), Associate Professor David Morgan (Department of Zoology, University of Melbourne), Mr Michael Linke (CEO, ACT RSPCA); and the experts engaged by the Department of Defence, namely Dr Hal Cogger (John Evans Memorial Fellow, Australian Museum), Dr Graeme Coulson (Senior Lecturer in Zoology, University of Melbourne) and Dr George Wilson (Consultant and Director, Australian Wildlife Services). Dr Sue McIntyre (CSIRO Senior Principal Research Scientist) is a member of both panels and was present. Also present were Mr Nick Warner, Secretary of Defence; Mr Hamish McNulty, Conservator of Flora and Fauna (Department of Territory and Municipal Services, ACT Government); Dr David Robertson, Defence contractor for the BNTS work and ecologist, Cumberland Ecology; and Defence staff and a staff member from the Commissioner's Office. The matters agreed to by the experts are at **Attachment A**. In addition to this meeting, a meeting was held with Dr Lyn Hinds, Senior Principal Research Scientist, CSIRO on 18 March 2008. Dr Hinds is an eminent marsupial research scientist. Wildcare members, on 19 March 2008, also met with me and discussed their translocation proposal that was based on material submitted to Defence in June 2007. A copy of this document was provided to me on 19 March 2008 and Wildcare granted permission for it to be distributed. On 28 March 2008, Wildcare advised that it was not to be made public.

Wildcare's proposal was given to my expert panel before the meeting on 20 March 2008 and Defence made copies available at the meeting of the experts. NSW, Parks and Wildlife Group, Department of Environment and Climate Change (DECC) were contacted to verify aspects of the Wildcare proposal and that Department's response is at **Attachment B**.

Consideration of relevant matters

At the meeting with Dr Hinds, current research was discussed, as was research for future projects, including translocation. Dr Hinds is of the view that overall the most productive approach would be to focus on fertility control research.

On 26 March 2008, DECC clarified some issues in respect of the Wildcare proposal (see **Attachment B**). DECC stated, among other things, that:

- *The Department has not offered to be part of a relocation team. The Department had offered to provide assistance of a technical and advisory nature should a translocation go ahead but has specifically stated that we are not able to second staff to such a subject.*
- *The Department's position is that we are prepared to consider a proposal, however we would normally only consider translocation where it was essential for the survival of a species, which doesn't appear to be the case in this situation. We have previously provided the Commissioner advice (**Attachment C**) about the information requirements necessary for us to consider such a proposal. The Department has not received any proposal for translocation of these kangaroos and so we cannot say whether or not we would support a specific proposal.*

The experts have summarized the matters on which they agree based on the joint meeting on 20 March 2008 and in the context of their earlier reports (**Attachment A**). Their summary is presented on pages 4-5 of this document. Importantly there is unanimous agreement that euthanasia should be pursued over translocation. From the meeting on 20 March 2008 it is understood that this has always been the preferred position of all experts (refer to point 6 of the combined experts summary at **Attachment A** and on pages 4 and 5 of this document). The Defence Panel did recommend euthanasia and translocation to reduce the population of kangaroos at BNTS, as mentioned in point 6, however, this was done to acknowledge that the Department of Defence may have overriding reasons for translocation to be their preferred option. The Defence Panel put stringent conditions, on translocation and expected that all of their recommendations would have been implemented by December 2007. The conditions relating to translocation have not been met and the Defence Expert Panel members believe that now only euthanasia should be perused.

On 26 March 2008, the Department of Defence, advised that ... *based on its panel of independent expert advice in August 2007, Defence continues to pursue an opportunity to translocate as many kangaroos as possible from BNTS, including undertaking a translocation research project.*

Matters agreed to by the experts

The matters agreed to by the experts from the two expert panels that were present at the meeting on the 20 March 2008 (**Attachment A**) are:

1. The natural temperate grasslands and the threatened species within the grassland at BNTS should be preserved and urgent action needs to occur.
2. The current condition of the grassland is poor.
3. The main cause of the current poor condition of the grassland is heavy grazing pressure by the eastern grey kangaroos (the kangaroos). The situation is compounded by the drought.
4. The current density of kangaroos is preventing recovery of the grassland and threatening its long term sustainability.
5. Kangaroo numbers at BNTS (within the fenced area) should be dramatically reduced before the onset of winter 2008 in order to protect the grassland. In August 2007, the Defence panel recommended in effect the removal of all but 100 kangaroos and were under the impression that their recommendations would be implemented by December 2007. In February 2008 the Commissioner's panel recommended the removal of all kangaroos by winter 2008. [The ACT Conservator of Flora and Fauna advised, in February 2008, that not all kangaroos needed to be removed if an adaptive management approach were adopted (where kangaroo density is adjusted relative to the grassland's response to kangaroo grazing) and that an appropriate stocking rate would be 1 kangaroo per hectare (approximately 100 to 120 kangaroos). The Commissioner considered all this advice and in February 2008 recommended an adaptive management approach with an initial density of 1 kangaroo per hectare or less. It is noted that currently approximately 60 female kangaroos at BNTS are tagged and are being used for fertility research purposes.]

6. The most humane method of removing the kangaroos from BNTS would be through shooting. However, the Australian Federal Police will not agree to the use of firearms because of public safety concerns. In the absence of the use of firearms, the next best method for the humane removal of the kangaroos is by sedation by darting followed by euthanasia by lethal injection. [All experts have consistently supported euthanasia over translocation including the members of the Defence Panel who, as reflected in their August 2007 report, also acknowledged that there might be overriding reasons for translocation to be the preferred option of the Department of Defence. In doing this the Defence Panel put stringent conditions on translocation and were of the understanding that if these could be met, they would have been implemented by December 2007. These conditions have not been met and the Defence Expert Panel members believe that now only euthanasia should be pursued.]
7. No expert requested or supported a specific research project involving the translocation of kangaroos at BNTS¹, nor any allocation of funds for such a study. Such research would be expensive and an inappropriate use of research funds when there is such a need for research on a wide variety of threatened species and communities, including those at BNTS.
8. No release sites have been nominated. The panels are not aware of suitable release sites that address animal welfare issues for translocated and resident animals nor do they believe one can be found. A permit to release into New South Wales would be likely to draw opposition from nearby land holders.
9. All kangaroos remaining at BNTS are therefore to be part of long-term fertility control research with numbers not to exceed more than 1 per hectare subject to an adaptive management approach within the constraints on kangaroo numbers required for fertility control research. Best practice for this site in the view of expert panel members would be for it to be planned and managed as a model urban grassland ecosystem where all threatened species are protected and conserved. The long-term future of the site needs clarification, including the role of the perimeter fencing and the internal fencing.

¹ While it was agreed that translocation of kangaroos from BNTS should not be undertaken on animal welfare grounds alone, there was some discussion of other issues as well, including the shortage of suitable reception sites, the time involved in securing the necessary approvals and the uncertain fate of translocated kangaroos.

Conclusion

As the matters agreed to by the experts reinforce the recommendations made by me on 26 February 2008, my recommendations stand. For ease of reference, a copy of my recommendations is at **Attachment D**. A copy of the full report is at our website:

<http://www.envcomm.act.gov.au/investigation>. With respect to using kangaroos from BNTS in a translocation scientific research project, as stated by the experts at point 7 on page 5 of this document, such a project was not identified by them. Accordingly, it is recommended that scientific research in relation to the kangaroos at BNTS focus on fertility control. The kangaroos remaining on that site will be involved in this research. If additional funds were available for research they could be directed to enhancing the current research being undertaken so as to try and realize results more quickly and/or be invested in research on threatened grassland species.

The Canberra Region has the opportunity to use the BNTS site as a demonstration of best practice urban ecosystem management whereby the threatened grassland (of which there is less than 1% remaining of the original grassland intact nationally) and all of its associated flora and fauna (including eastern grey kangaroos and threatened species) exist for future generations. It is very concerning that the needed action has not been taken to maintain the very important values of the BNTS grassland and the threatened species it supports so as to realize this opportunity.

Attachment A

Belconnen Naval Transmission Station, ACT - matters agreed by members of the two expert panels

In August 2007 a panel of experts being Dr Sue McIntyre, Dr Hal Cogger, Dr Graeme Coulson and Dr George Wilson provided a report to the Department of Defence concerning the above site.

In February 2008 a panel of experts being Dr Sue McIntyre, Dr Andrew Braid, Mr Michael Linke and Associate Professor David Morgan also provided a report to the Commissioner for Sustainability and the Environment on the above site.

On 20 March 2008 a meeting with all these experts was convened in order to provide the Commissioner for Sustainability and the Environment with advice.

Based on the respective reports of each panel of experts and the meeting on 20 March 2008 all the experts agree on the following:

1. The natural temperate grasslands and the threatened species within the grassland at BNTS should be preserved and urgent action needs to occur.
2. The current condition of the grassland is poor.
3. The main cause of the current poor condition of the grassland is heavy grazing pressure by the eastern grey kangaroos (the kangaroos). The situation is compounded by the drought.
4. The current density of kangaroos is preventing recovery of the grassland and threatening its long term sustainability.
5. Kangaroo numbers at BNTS (within the fenced area) should be dramatically reduced before the onset of winter 2008 in order to protect the grassland. In August 2007, the Defence panel recommended in effect the removal of all but 100 kangaroos and were under the impression that their recommendations would be implemented by December 2007. In February 2008 the Commissioner's panel recommended the removal of all kangaroos by winter 2008. [The ACT Conservator of Flora and Fauna advised, in February 2008, that not

all kangaroos needed to be removed if an adaptive management approach were adopted (where kangaroo density is adjusted relative to the grassland's response to kangaroo grazing) and that an appropriate stocking rate would be 1 kangaroo per hectare (approximately 100 to 120 kangaroos). The Commissioner considered all this advice and in February 2008 recommended an adaptive management approach with an initial density of 1 kangaroo per hectare or less. It is noted that currently approximately 60 female kangaroos at BNTS are tagged and are being used for fertility research purposes.]

6. The most humane method of removing the kangaroos from BNTS would be through shooting. However, the Australian Federal Police will not agree to the use of firearms because of public safety concerns. In the absence of the use of firearms, the next best method for the humane removal of the kangaroos is by sedation by darting followed by euthanasia by lethal injection. [All experts have consistently supported euthanasia over translocation including the members of the Defence Panel who, as reflected in their August 2007 report, also acknowledged that there might be overriding reasons for translocation to be the preferred option of the Department of Defence. In doing this the Defence Panel put stringent conditions on translocation and were of the understanding that if these could be met, they would have been implemented by December 2007. These conditions have not been met and the Defence Expert Panel members believe that now only euthanasia should be pursued.]
7. No expert requested or supported a specific research project involving the translocation of kangaroos at BNTS², nor any allocation of funds for such a study. Such research would be expensive and an inappropriate use of research funds when there is such a need for research on a wide variety of threatened species and communities, including those at BNTS.
8. No release sites have been nominated. The panels are not aware of suitable release sites that address animal welfare issues for translocated and resident animals nor do they believe one can be found. A permit to release into New South Wales would be likely to draw opposition from nearby land holders.

² While it was agreed that translocation of kangaroos from BNTS should not be undertaken on animal welfare grounds alone, there was some discussion of other issues as well, including the shortage of suitable reception sites, the time involved in securing the necessary approvals and the uncertain fate of translocated kangaroos.

9. All kangaroos remaining at BNTS are therefore to be part of long-term fertility control research with numbers not to exceed more than 1 per hectare subject to an adaptive management approach within the constraints on kangaroo numbers required for fertility control research. Best practice for this site in the view of expert panel members would be for it to be planned and managed as a model urban grassland ecosystem where all threatened species are protected and conserved. The long-term future of the site needs clarification, including the role of the perimeter fencing and the internal fencing.

Dr Sue McIntyre, Dr Hal Cogger, Dr Graeme Coulson, Dr George Wilson, Dr Andrew Braid, Mr Michael Linke and Associate Professor David Morgan.

27 March 2008

From: Henschman Alistair
Sent: Wednesday, 26 March 2008 10:08 AM
To: 'pamela.mathic@act.gov.au'
Cc: Corbyn Lisa
Subject: kangaroos at Belconnen Naval Transmitting Station

Pamela

Following is the response of the NSW Department of Environment and Climate Change to the particular references made in the Wildcare proposal for managing kangaroos at the site.

P 7

NSW NPWS staff are listed as being part of the relocation team.

The Department has not offered to be part of a relocation team. The Department had offered to provide assistance of a technical and advisory nature should a translocation go ahead but has specifically stated that we are not able to second staff to such a project.

P 22

"it is not the case that the responsible authority in NSW would not support the importation of eastern grey kangaroos."

The Department's position is that we are prepared to consider a proposal, however we would normally only consider translocation where it was essential for the survival of a species, which doesn't appear to be the case in this situation. We have previously provided the Commissioner advice about the information requirements necessary for us to consider such a proposal. The Department has not received any proposal for translocation of these kangaroos and so we cannot say whether or not we would support a specific proposal.

NPWS have offered to second staff to be involved in the relocation

No such offer has been made - in fact the Department advised Defence in June 2007 that we would be unable to second staff to the project.

P 23

"We have been advised that there is no policy obstacle to such a translocation"

We have advised Defence that the Department does not have or administer any policies or laws that prevent the implementation of a carefully considered translocation proposal.

P 39

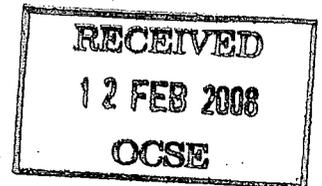
Experts consulted

The members of the senior executive of the Department are not experts in animal relocations and their advice was limited to the policy and resourcing matters mentioned above as well as advice about the information requirements for any application. The Endangered Species Unit staff member listed has experience in managing threatened species but not specific experience in relocation of species.

Please let me know if you require any further information.

Alistair Henschman, Director Southern
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Dr Maxine Cooper
 Commissioner
 Office of the Commissioner for Sustainability and the Environment
 PO Box 356
 DICKSON ACT 2911

- 7 FEB 2008

Dear Dr *Maxine* Cooper

I am writing in response to your letter of 16 January 2008, seeking advice on the regulatory framework and likely information the NSW Government would require from a proponent, to enable it to consider a proposal to translocate up to 450 eastern grey kangaroos from the ACT to NSW.

As you would appreciate, it is difficult to provide comprehensive answers to your questions in the absence of a formal translocation proposal or identification of preferred release sites. In addition, a future proposal may require consideration under NSW legislation which is not administered by the Department of Environment and Climate Change (DECC) such as the *Environment, Protection and Biodiversity Conservation Act 1999*, *Prevention of Cruelty to Animals Act 1979* and the *Environmental Planning and Assessment Act 1979*.

My response is restricted to matters relating to the *NSW National Parks and Wildlife Act 1974* (NPW Act) and the *Threatened Species Conservation Act 1995* (TSC Act):

The translocation of protected species in NSW, such as eastern grey kangaroos is likely to trigger the provisions of the NPW Act identified below:

- All actions likely to harm a protected species may require a licence under s120 of the NPW Act. Harm in the context of a translocation proposal are those actions that include pursue, capture, trap, injure or kill.
- It is an offence to "liberate" a fauna species in NSW without a licence issued under s127 of the NPW Act. This would apply to the release of the captured kangaroos in NSW.
- In order to import fauna into NSW, a licence will be required under s126 of the NPW Act. The DECC would require an approved export permit from the other jurisdiction, before approving the import of fauna.
- In addition, a Scientific Licence under s132c of the NPW Act may be required should the proposal contain actions to research the impacts of translocation on the individual kangaroos or the environment into which the animals will be released. It is possible that DECC, as part of a future approval, would require the proponent to implement a program of research.

The granting of a Scientific Licence is subject to approval from the relevant NSW Animal Care and Ethics Committee (ACEC). The appropriate ACEC to approach is dependent on which organisation will undertake the research.

The Department of Environment and Conservation NSW is now known as
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Department of Environment & Climate Change NSW



The proposal will also need to be assessed under s91 of the TSC Act to determine the likely impacts of the translocation and resulting grazing upon any threatened species, population or ecological community or their habitat. The proposal will therefore require detailed consideration of potential impacts. The TSC Act makes additional provision for the preparation of a Species Impact Statement should the proposal significantly affect the threatened species, population, ecological community or their habitat. A licence under this section would be required should it be deemed that the release of the kangaroos would have a significant effect.

The likelihood of kangaroos resulting in a significant impact would in part be dependant upon the carrying capacity of the site in which they are to be released and the vegetation types present. It is presumed that a significant impact would only result if the grazing was unsustainable and prolonged. Consideration under the Commonwealth's *Environmental Protection and Biodiversity Conservation Act 1999* may also be necessary should the site contain species or communities listed under that Act.

The ecological impacts of the proposal on non-threatened species, particularly the impacts on any resident populations of kangaroos would need to be thoroughly considered.

Such a proposal would also need to comprehensively address all the relevant animal welfare issues. As you would understand, ensuring animal welfare is essential. DECC may thus require documented RSPCA approval of all facets of the proposal including best practice capture, handling, sterilisation and release protocols for the kangaroos including any conditions placed on that approval. These protocols may be referred to the NSW Animal Welfare Advisory Committee for comment.

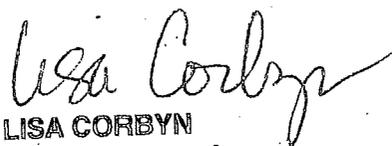
Given the size and scale of the proposal, DECC would likely request additional information relevant to the location, impacts to, and future management and monitoring of release sites, their proximity to parks, neighbouring properties and commercial kangaroo culling areas. Written approval from the relevant owner of the release sites will need to form part of the translocation proposal.

DECC has a policy for the translocation of threatened fauna which provides initial guidance on the matters to be covered by a translocation proposal (Attached). Any approval by DECC to proceed with a translocation program would be dependent on the provision of a fully costed and funded implementation and long term monitoring program. The DECC translocation policy also requires the proponent to seek the endorsement of partner organisations and other stakeholders where appropriate.

With respect to your request for indicative timeframes for DECC to assess such a proposal. I understand that other translocation proposals requiring DECC approval have involved much smaller numbers of animals. A proposal of this kind would be unique in size and scale and likely involve the input of other stakeholders. An indicative timeframe would be in the order of three to six months from receipt of a translocation proposal and licence application which meets all of the above requirements including the RSPCA approval.

If you have any queries regarding this matter, please do not hesitate to contact me or have your staff contact Alistair Henschman on (02) 6298 0322.

Yours sincerely


LISA CORBYN
Director General

Summary of Commissioner's Recommendations

Recommendation 1: Urgent action is to be taken to restore the ecological condition of the Grassland, and provide opportunities for the Perunga Grasshopper, Golden Sun Moth and Ginninderra Peppercreess to survive and thrive at BNTS.

Recommendation 2: Kangaroos are to be removed immediately from BNTS to achieve a stocking rate of 1 kangaroo per hectare or less. This is to be done by the land manager, preferably before the end of April 2008, to prevent impacts on pasture biomass occurring during the dormant 2008 winter season.

Recommendation 3: Kangaroo population numbers are to be maintained at the targeted level for the foreseeable future using fertility-controlled kangaroos only. A program to maintain this situation is to be implemented as needed. (This recommendation is made on the assumption that all remaining kangaroos at BNTS will be part of fertility control research programs.)

Recommendation 4: Further reductions in the number of kangaroos at BNTS (i.e. even below the proposed stocking rate of 1 kangaroo per hectare) is to occur if recovery of the grassland does not improve over the next growing season even if research projects are compromised.

Recommendation 5: Kangaroos are to be removed from BNTS by the most humane method suitable for that site having regard to advice from the AFP that firearms are not to be used at BNTS. (The Expert Panel has recommended sedating by darting followed by euthanasia by lethal injection.)

Recommendation 6: The policy of the Conservator of Flora and Fauna, to the effect that translocation of eastern grey kangaroos is not an appropriate management technique, is to remain unchanged and that this policy position be confirmed to the Department of Defence immediately.

Recommendation 7: The interim grassland management plan and interim kangaroo management plan for BNTS are to be completed by the end of August 2008, by the land manager, in consultation with key stakeholders. These plans are to adopt adaptive management principles and be based on a stocking rate of 1 kangaroo per hectare or less prior to the 2008 winter.

Recommendation 8: Conditions at BNTS are to be reported on a quarterly basis to all relevant agencies and to the Commissioner's Office. The Commissioner is to establish an independent group to assist her evaluate progress and report on this in her annual report.

Recommendation 9: A long-term grassland management plan covering BNTS is to be developed prior to the abutting Lawson lands being developed for residential purposes. This plan should incorporate clear management objectives and be based on an adaptive management approach to protect the Grassland, Perunga Grasshopper, Golden Sun Moth and Ginninderra Peppercreess at the BNTS. (The interim grassland management plan and interim kangaroo management plan (Recommendation 7) should be incorporated into the long-term plan. This long-term plan could cover all ACT natural temperate grassland areas.)

Recommendation 10: The Territory is to ensure that legal measures are implemented to protect and preserve the high conservation value of the Grassland and its threatened species when the land at BNTS is transferred from the Commonwealth to another entity. (This recommendation is made on the assumption that Territory laws will fully prevail post the transfer.)

Recommendation 11: The review of the Memorandum of Understanding between the Department of Defence and ACT Government (TAMS) is to be completed by August 2008.