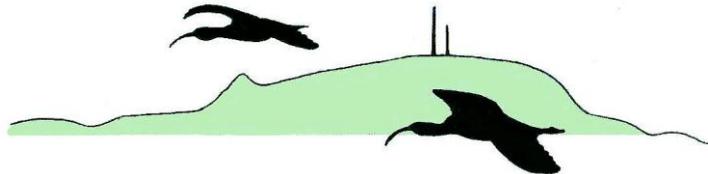


**ORANGE FIELD NATURALIST
& CONSERVATION SOCIETY INC.**
PO Box 369, ORANGE NSW 2800



The General Manager
10th February 2011
Orange City Council
P.O.Box 35
Orange NSW 2800

Dear Sir

Ploughman's Creek Wetland

Orange Field Naturalist & Conservation Society Inc., which has broad community membership and support in Orange, wishes to protest in the strongest possible terms at the continued zoning in the new Local Environmental Plan as Residential (R1) of the Ploughmans Creek wetland, starting west of Ploughman's Lane and north of Stirling Avenue.

The society recommends that the zoning of operational be changed to the relevant environmental or recreational zone so that the lands stays in community hands and is used appropriately. The most important factor against the zoning of this land as operational from our point of view is the value of this wetland as habitat for Latham's snipe (*Gallinago hardwickii*). Other factors include the value of the wetlands themselves in respect of ecosystem function and biodiversity, and the provision of scientific, recreational and educational opportunities.

Latham's snipe (*Gallinago hardwickii*)

For six months of the year the subject land provides a refuge for the Latham's snipe which has for countless years flown from its breeding grounds in Japan to spend the summer months in swampy land in Eastern Australia. Our members see these snipe on a regular basis, up to eight at a time. Such numbers indicate a resident population in excess of 20 during the summer months.

The wet, grassy habitat is suitable for this species that can occur in quite small pockets of land in otherwise unsuitable habitat. The Ploughman's Creek Wetland is typical habitat for this species and were it to be restored with the addition of woodland on the drier parts even more so.

Conservation status of Latham's snipe

Latham's snipe is listed as a species of concern under international, national and state legislation and agreements. According to the federal Department of Sustainability,

Environment, Water, Population and Community (2010) the current conservation status of Latham's snipe under Australian and international conventions, is as follows:

International:

- Listed under the Japan-Australia Migratory Bird Agreement (JAMBA). It was concern about the status of Latham's snipe that ultimately lead to the development of the Japan-Australia Migratory Bird Agreement (Watkins 1993).
- Listed under the China-Australia Migratory Bird Agreement.(CAMBA)
- Listed under the Republic of Korea Australia Migratory Bird Agreement.(ROKAMBA)

Article VI of JAMBA states:

Each Government shall endeavour to take appropriate measures to preserve and enhance the environment of birds protected under the provisions of this Agreement. In particular, it shall:

(a) seek means to prevent damage to such birds and their environment;

Both CAMBA and ROKAMBA have similar provisions to this Article.

Australia is also a partner in the *Partnership for the Conservation of Migratory Waterbirds and the Sustainable Use of their Habitats in the East Asian – Australasian Flyway*. “The Flyway Partnership represents the major international framework for the conservation of migratory waterbirds and their habitat in the flyway” (DSEWPC Website). The Latham’s snipe is a species listed in this agreement.

National: Listed as a Migratory species under the *Environment Protection and Biodiversity Conservation Act 1999*.(Cth) (EPBCAct)

Destruction of the habitat of this species is therefore in contravention of both national and international commitments and its development could make Council liable for a \$50 000 penalty under s.20A of the EPBC Act if it could be shown that the development “will result in a significant [impact](#) on a species” – in this case the snipe. It is therefore highly recommended that the project be referred to the Federal Minister for the Environment, Water, Heritage and the Arts for approval.

State:

In addition to the protection afforded to snipe and their habitat under international agreements and federal legislation, they are also afforded the protection of the State Water Management Outcomes Plan Order 2002 one of whose targets is to “seek to protect migratory waterbirds listed under the Convention on Migratory Species, and JAMBA and CAMBA agreements”. This presents another reason why this wetland area should not be developed but should revert to a suitable environmental zoning.

This species is threatened due to urbanisation, water capture schemes, mowing of habitat and agriculture. The Ploughman’s Creek Wetland is likely to be particularly important as a drought refuge for this species and there is a risk that loss of this habitat could contribute to a long term decline in its population (Bower & Goldney 2005).

Biodiversity

The CEO of Birds Australia, commenting on the UN Conference on Biodiversity in Nagoya last year (2010 was the International Year of Biodiversity) stated that “governments of all persuasions have made a commitment to work towards halting the rate at which we are losing Biodiversity”.

Golden headed cisticolas (*Cisticola exilis*) are present and almost certainly breeding. Whilst not listed under the Threatened Species Conservation Act, this species is locally uncommon and declining (personal observation, C. Kinross Jan 2011). Wetlands and their vicinity are the usual habitat for this species (Morecambe 2004).

Other bird species include: brown quail (breeding) (*Coturnix ypsilophora*), intermediate egret (*Ardea intermedia*) Australian white ibis (*Threskiornis molucca*) straw-necked ibis (*Threskiornis spinicollis*) have been recorded (Bower & Goldney 2005). It is likely that herons and other wetland and grassland birds would also occur.

Frogs are an important indicator of biodiversity and ecosystem health. The wetland is home to the following seven frog species:

<i>Crinia parinsignifera</i>	Eastern Sign-bearing Froglet
<i>Crinia signifera</i>	Common Eastern Froglet
<i>Limnodynastes dumerilii</i>	Eastern Banjo Frog
<i>Limnodynastes tasmaniensis</i>	Spotted Grass Frog
<i>Uperoleia laeviagata</i>	Smooth toadlet
<i>Litoria peronii</i>	Peron's Tree Frog
<i>Litoria verreauxii</i>	Verreaux's Tree Frog

Source: Bower & Goldney (2005).

A native fish, the Mountain Galaxia (*Galaxias olidus*) is also present in the creek. This is a significant species which is now rare in areas inhabited by trout but maintains a stronghold in areas inaccessible to trout such as this site (Allen et al 2002). The Eastern Longnecked Tortoise (*Chelodina longicollis*) and Copper-tailed Skink (*Ctenotus taeniolatus*) have also been sighted here (Bower & Goldney 2005)

Environmental and other values

Wetlands are a disappearing resource, but they are recognised by the international community as a valuable asset with important ecological functions such as water filtration, habitat provision etc. (RAMSAR Convention Part 1.4).

The Environment Protection and Biodiversity Conservation Act 1999 (Cth) defines in s.3A the Principles of ecologically sustainable development:

These are: (a) decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations;

(b) if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation

To allow residential development on this wetland would certainly constitute “serious

and irreversible environmental damage” and it is therefore recommended most strongly that the zoning of this wetland revert to an appropriate environmental designation.

The area is at present an undeveloped, semi-natural, open portion of land which is set in an area of residential development and has an inherent value for that reason alone. The need for open space is of particular significance in the light of OCC’s own draft LEP which proposes an increased population density in Orange. Council must recognise the value to the community of maintaining green spaces in residential areas, and this wetland, with its environmental attributes, is one such space and must not be lost to further residential construction.

Furthermore this area represents one of the very few remaining areas representing the original habitat that can be used for scientific research and as an educational tool. The fact that it is highly modified does not detract from those values, particularly in respect of education.

Conclusion

We hope that the Council will see that to rezone the subject land as Environmental Management or Public Recreation will be a small but significant contribution towards Australia’s national and international objectives as well as complying with Commonwealth and state legislation.

References

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A.N.G.SMITH
Hon. Secretary
Orange Field Naturalist and Conservation Society Inc.