

Template for comments on applications under the *Native Vegetation Regulations 2017*

Application to which these comments apply:

1.715 ha of clearance to establish two standing camps for the KI Wilderness Trail with staging posts, walking tracks and light vehicle access tracks, being considered under Regulation 12(33) new dwelling or building

Your details:

All comments will be considered anonymous, however you must provide your details for verification of your comments to the Native Vegetation Branch.

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Key Points:

Provide the main points to why you are making comment.

The NCSSA does not support the approval of this clearance application. A summary of our objections that are relevant to the NVC's consideration of this proposal are as follows:

- The original concept for this accommodation was that it be located along the KI Wilderness Trail (KIWT). However, rather than being "along the trail", siting for the proposed standing camps has been heavily influenced by the desire for sea views, with the sites of the existing KIWT camping areas of Cup Gum and Banskia ruled out primarily for having "no views" (among other reasons). A desire for 'views' should not be given priority over clearance control provisions of the Native Vegetation Act.
- Further, the proposed clearance is inconsistent with the Flinders Chase National Park Management Plan, as the standing camps are too far from the KI Wilderness Trail (KIWT) to be considered as being situated "along the trail" and the two proposed sites are situated outside the Minor Development Zone circumscribed in the Park Management Plan.
- All information relevant to the NVC's considerations is not yet available, as "Further fauna survey and habitat assessment studies compliant with Level 4 native vegetation clearance were commenced in February and outcomes will be submitted as soon as they are available" (Report 2, March 2019). We also do not believe all potentially present threatened species have been accounted for in the combination of desk-top and on-ground survey work undertaken to date. Therefore the clearance application is essentially incomplete due to critical information being omitted. A fully informed and scientifically sound decision on the clearance proposal is therefore not possible at this stage.
- "Throughout the design process, consideration has been given to the locations of threatened plant species. Their locations will be marked and their disturbance will be avoided. The proposed clearance of vegetation at this site is therefore not considered to be seriously at variance with Principle (c)" Page 18 of

Data Report 2 (Report 2, March 2019). We are concerned as to how realistic this is and how it would be monitored and/or enforced.

- We support Tim Kelly's submission outlining that the proposal presents an unacceptable risk in terms of safety for AWC staff and walkers from bushfire and could potentially lead to greater clearance in order to address that risk.
- We concur with Dr Richard Glatz that the proposals doesn't fit Regulation 12(33) which addresses clearance for "an approved dwelling or building", as this is not yet approved under the *Development Act 1993* (as far as we are aware) and that 14 separate dwellings, 2 large communal buildings, two sets of associated infrastructure and kilometers of tracks/road across two sites is much larger than the scope for which Regulation 12(33) was envisaged. This clearance therefore should have been assessed under the *Native Vegetation Act 1991* which would likely result in refusal of clearance as all sites are intact stratum.
- We concur with Dr Richard Glatz that it appears that the SEB calculations for the proposed clearance may not be accurate, and in any event, it is not possible to truly offset the clearance of remnant vegetation of high biodiversity value and without weeds.

For completeness, we also list our concerns about this proposal in general:

- NCSSA is concerned about access to Flinders Chase National Park for all visitors, since if "Provision of these accommodation facilities will not add to the overall number of people walking the KIWT" (Report 2, March 2019), then the number of walkers accessing the trail independently will have to be reduced since the total numbers are capped. This clearance proposal therefore effectively reduces access for the general public to Flinders Chase National Park, and the NCSSA is concerned about the precedent this sets for other publicly-owned, wild areas.
- The proposal has been supported by a significant injection of public money – close to \$900,000 – (https://www.environment.sa.gov.au/news/News_Events_Listing/kiwt-eco-sensitive-accommodation), yet there has been no formal public consultation on the plans for the accommodation. It is particularly frustrating and unacceptable that this native vegetation clearance process is the only formal way community members can lodge their concerns and objections.
- No "line of sight" has yet been drawn between the money that will be generated by this commercial enterprise and the management of the Park– how will it directly benefit the Park and support conservation?

Comments in relation to the [Mitigation Hierarchy](#):

The proposal must demonstrate the measures taken to avoid and minimize impacts on biodiversity and rare or threatened species or ecological communities within the property or immediate vicinity of the development. For example, measures taken to avoid clearance of native vegetation by using alternate locations or design to reduce the impact of the clearance.

NCSSA is concerned that siting for the proposed standing camps has been mainly influenced by the desire for sea views. The starting point for the concept of this accommodation was that it be along the KIWT. Localities closer to the sites of the existing KIWT camping areas, which could reduce the amount of vegetation clearance required, have not been adequately considered in the Reports available on this proposed clearance.

We believe that the proposed sites are so distant from the KIWT as to be inconsistent with the Flinders Chase National Park Management Plan which stipulates an accommodation must be "along the trail", and they appear to be outside the Minor Development Zones circumscribed by the Plan.

In particular, alternative locations for the proposed Sandy Bay standing camp appear to have been given only cursory consideration, with the existing KIWT Cup Gum campground site ruled out due to the lack of views and being adjacent to a road. The advantage that being close to the existing road this would provide in not requiring clearance of additional tracks to Sandy Bay, as well as for bushfire safety, has not been considered or quantified.

More details on the four alternatives considered for Sanderson Bay standing camp would be needed to assess if total vegetation clearance could be reduced, however, having the "best coastal views" seems to have been highest on the list of considerations for the preferred site.

We note that a mitigation strategy proposed is that "Throughout the design process, consideration has been given to the locations of threatened plant species. Their locations will be marked and their disturbance will be avoided. The proposed clearance of vegetation at this site is therefore not considered to be seriously at variance with

Principle (c)" Page 18 of Data Report 2 (Report 2, March 2019). Whilst laudable, we are concerned as to how realistic this is in practice and how it would be monitored and/or enforced.

Comments in relation to compliance with the regulation and the Level 4 [Risk Assessment](#):

Provide any supplementary information on the proposed area for clearance, including in relation to the technical requirements of the regulation or information to support the Level 4 assessment.

NCSSA is concerned that all information relevant to the NVC's considerations is not yet available, particularly the possible presence of endangered Southern Brown Bandicoots within 5km of the Sanderson Bay site. We are also concerned that there may be more EPBC Act listed species present than have been identified in the Reports, including the Kangaroo Island Dunnart, the Kangaroo Island Echidna, the Heath Goanna and the Hooded Plover. Surveys of sites have also been undertaken when orchid species, such as the threatened Greencomb Spider Orchid, would not have been detectable.

NCSSA notes that "Further fauna survey and habitat assessment studies compliant with Level 4 native vegetation clearance were commenced in February and outcomes will be submitted as soon as they are available" and that "Outcomes from the fauna survey will provide a better understanding of the likelihood of negative impacts and any appropriate mitigation measures will be recommended" (Report 2, March 2019).

In our view, the application is essentially incomplete due to critical information being omitted. A fully informed and scientifically sound decision on the clearance proposal is therefore not possible at this stage. It is essential to await the outcomes of the fauna survey before making decisions about this proposal, both in terms of conditions for clearance and calculating the "offsets" required.

Comments in relation to the Significant Environmental Benefit (SEB):

An SEB is required for approval to clear under Division 5: Risk Assessment of the regulations. The NVC must be satisfied that as a result of the loss of vegetation from the clearance that an SEB will result in a positive impact on the environment that is over and above the impact of the clearance. The Data Report must propose how the SEB will be achieved in accordance with the [SEB Policy and Guide](#)

NCSSA objects to the request contained in Data Report 2 that "The proponent would like NVC to consider the option of applying some further reduction factors due to the minimal clearance levels and sensitive nature of the development, the concept of which is founded on maintaining as much of the native "wilderness" character as possible".

Regardless of how 'minimal', the development will result in vegetation clearance in a Limited Access Zone of a National Park, an area that has specifically been set aside for the conservation of biodiversity. Given that any SEB payment is supposed to ensure that the environment benefits **over and above** the impact of the clearance, rather than further reduce it, the NVC should investigate (or require the proponent to investigate) whether there is any practical way that 1.8ha of vegetation of similar types to those being destroyed, that is in moderate condition and therefore would benefit from pro-active management, could be protected in perpetuity (e.g. through a Heritage Agreement or through addition to the National Park) for the \$151,218 of proposed compensation for the equivalent area being destroyed. We do not believe such an "offset" is possible in practice, and therefore concur with Dr Richard Glatz that the reality is that **it is not possible to truly offset the clearance** of this remnant vegetation of high biodiversity value and without weeds.

We also wish to highlight the SEB Policy which states (emphasis added):

If clearance of native vegetation is to occur within an area that is subject to legal protection for conservation, the SEB Points of loss will have a loading applied. This is intended to recognise that these areas were established for conservation and are of high environmental and social value and **any clearance will have significant impacts on these values**. It also recognises the public and private investment required to establish, maintain and protect those sites. This is an investment that will be lost due to the clearance of the vegetation.

We support Dr Richard Glatz's view that the SEB points do not appear to have been properly calculated if they do not take into account the possible presence of threatened species including the Kangaroo Island Dunnart, the Kangaroo Island Echidna, the Heath Goanna and the Hooded Plover, and if they have been reduced due to the

presence of "bare ground" and kangaroo tracks, which are part of the natural environment.

General comments in relation to the *accuracy* and *representativeness* of the information provided in the application:

As stated earlier in these comments, we believe the desk-top and survey work to establish the presence of threatened species has not yet been adequate to accurately represent the areas proposed to be cleared. We also believe it is inaccurate to omit reference to the original concept for this accommodation, i.e. that it be located "along the trail", when considering the mitigation hierarchy for this proposed clearance.

Representation at the Native Vegetation Assessment Panel

All comments will be made available in full to the Native Vegetation Assessment Panel (NVAP) for consideration prior to making a decision.

Additionally, there is an opportunity for you to request to appear personally or through a representative to the NVAP should you believe that your comments can be elaborated for the benefit of NVAP.

NVAP may not accept your request for representation should it consider your written submission is not directly relevant to application, does not provide any additional information to what is currently available, is factually inaccurate or does not address the requirements of the legislation, Native Vegetation Council policy or Guidelines, such as the mitigation hierarchy or the adequacy and appropriateness of the SEB.

I would like to attend

I would be happy to make a representation if the NVAP believe this would be useful to their deliberations. I would be keen to attend as an observer at least, to better understand the process and the key factors on which decisions are made.

Only comments received within 28 days of receiving the application will be considered.

Please send your comments to the Native Vegetation Council at nvc@sa.gov.au.

For more information

Native Vegetation Branch

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