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David Speirs MP  
Minister for Environment and Water  
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[minister.speirs@sa.gov.au](mailto:minister.speirs@sa.gov.au)

Wednesday 2 September 2020

**Re: Letter of concern regarding Whalers Way Orbital Launch Complex**

Dear Minister Speirs,

The Nature Conservation Society of South Australia (NCSSA) has been a community based, not-for-profit organisation standing up for habitats, species biodiversity and conservation since 1962. Members and supporters are drawn from all parts of the State and all walks of life and include many professional biologists as well as native vegetation and wildlife management experts.

The NCSSA is writing to express its deep concern that the **Whalers Way Orbital Launch Complex** proposed for the very southern tip of Eyre Peninsula will impact highly significant coastal vegetation and marine ecosystems of high conservation significance, and compromise the high scenic and wilderness values of the area. For numerous reasons, outlined below, this is not an appropriate location for this development.

We are also greatly concerned that the development has been gazetted as a major development under Section 46 of the *Development Act 1993*<sup>1</sup>. We are opposed to the use of this mechanism to override existing protections including Heritage Agreement status, the *Native Vegetation Act 1991* (SA), the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) and the current Development Plan zoning. We note from the gazette proclamation that the development contains numerous elements which are totally inappropriate for an area of such high conservation value, namely:

- Launching pads
- Block houses, blast walls and firing bunkers
- Propellant storage
- Diesel power generators
- Bunting for blast wave deflection
- Office, laboratory, and research related facilities
- Further road construction
- Fire suppression activities (presumably fuel reduction burning)
- Effluent treatment facilities
- Excavation and filling of land<sup>1</sup>

The NCSSA has major concerns on a number of levels:

**1. The development will compromise a Heritage Agreement & is counter to the SA Native Vegetation Act 1991**

The gazette proclamation refers to Allotment 101 in Deposits Plan 71437 Hundred of Sleaford<sup>1</sup>, the majority of which is protected by Heritage Agreement 148. The proclamation allows any change in the use of land associated with any component of the development. Given that this land parcel consists largely of intact native vegetation, this development will necessitate the clearance of highly significant native vegetation, counter to the aims of the SA *Native Vegetation Act 1991*. Heritage Agreements have the equivalent protection to, or greater than, Conservation Parks. This development in a Conservation Park would be unacceptable to all citizens in SA.

While offsets are likely to be required, these cannot replace the impact of loss and fragmentation of habitat with any meaningful biodiversity measure.

**2. The development is counter to the aims of the Environment Protection and Biodiversity Conservation Act 1999.**

The proposed development site contains critical habitat for two EPBC-listed bird taxa, namely the Eyre Peninsula Southern Emu-wren (*Stipiturus malachurus parimeda*), and the Mallee Whipbird (*Psophodes leucogaster leucogaster*). Both these bird taxa will be significantly impacted by the development.

The Approved Conservation Advice (under the EPBC Act) for the former taxon<sup>2</sup>, and the recovery plan for the latter taxon<sup>3</sup>, describe both taxa as being now largely confined to the southern tip of Eyre Peninsula having suffered major range reduction due to landscape-scale fires and habitat fragmentation due to land clearance. Both are sedentary, weak fliers and have restricted dispersal ability across cleared land. Both require dense, long-unburnt vegetation. The Conservation Advice for the Southern Emu Wren also lists “development of clifftop habitats” as a significant threat.

The gazette proclamation refers to the need for “fire suppression activities”<sup>1</sup> which likely means clearance and fuel reduction burning. This will significantly increase the footprint of the development, such burning making the understorey of surrounding areas unsuitable for both bird taxa. The transport, storage and use of highly flammable fuels will also significantly increase the risk of fire. The fire risk is illustrated by the need for “blast walls and firing bunkers”<sup>1</sup>. The need for “bundling for blast deflection”<sup>1</sup> indicates that launching rockets will generate significant noise. This will likely have a significant impact on these secretive birds.

The Conservation Advice and Recovery Plan identify fragmentation of habitat as a major cause of the decline of both threatened bird taxa. The construction of more “road transport access” will further fragment their habitat as well as increasing access by foxes, another threat identified in the Advice and Plan. Associated rubbish bins will likely increase invasion by introduced rodents attracting cats that will also have increased access via roads. Roads and the “excavation and filling of land” associated with the development will increase the chance of weed invasion further degrading this critical habitat.

While the EPBC Act theoretically protects these species, the recent independent review of the Act found that there has been a reluctance by the Federal government to police and enforce the Act. We are therefore not confident that this legislation will adequately protect these species from direct and indirect impacts arising from this development. It is particularly concerning that the recently released ‘Guidelines for the preparation of an Environmental Impact Statement’ for this project, prepared by the State Planning Commission, state that the proponent has concluded that the proposal does not even require referral to the Federal government under the EPBC Act<sup>5</sup>.

Many of the above factors will also impact birds which are listed as rare or threatened under the SA *National Parks & Wildlife Act 1972*. Five such species have been recorded for the area, namely Diamond Firetail (*Stagonopleura guttata*), Painted Buttonquail (*Turnix varius*), Elegant Parrot (*Neophema elegans*), Purple-gaped Honeyeater (*Lichenostomus cratitius occidentalis*) and Rock Parrot (*Neophema petrophila zietzi*).

**3. The launch complex is a high fire risk development being placed in a highly fire prone environment**

With the catastrophic loss of life and property wrought by the summer 2019-20 bushfires, an obvious conclusion should be the need to keep developments out of high fire risk bushland. Yet this development proposes to have people and buildings surrounded by bushland in a location where there is limited opportunity to escape to a safe area in the case of a serious bushfire. The only route of escape is to the north, the direction from which such a fire is most likely to come, driven by north-westerly winds. This threat will be significantly increased by the proposed rocket launching and fuel reduction burning. This is a major consideration given the predictions of increased bushfire frequency and intensity with climate change.

**4. The development will compromise an example of increasingly rare temperate coastline wilderness**

Whalers Way contains important temperate coast wilderness which will be compromised by the development. Coastal wilderness areas in temperate regions of South Australia are of high conservation significance and are fast becoming a rarity, with numerous so-called “wilderness lodges” and roads being built along the coast, especially on Kangaroo Island. One high profile case is the proposed “eco-lodges” approved to be built in coastal vegetation within Flinders Ranges National Park on Kangaroo Island, currently being highly contested by many sections of the community. The IUCN4 stipulates that wilderness areas should be free of modern infrastructure, developments, and low-flying aircraft.

**5. Inadequate details have been released to the public and there has been inadequate public consultation**

No detailed plans for this development are available for the public and no widespread public consultation was held before the major development proclamation. A major development should require full public consultation, including the release of all Environment Impact Studies. While we are lacking details about the proposal, the list of components included in the proclamation indicate that the footprint of the development will be substantial.

**6. The development could damage important coastal marine ecosystems and fisheries**

The development will potentially compromise highly significant coastal habitat which would be severely damaged by any fuel leaks or effluent getting into underground aquifers. These aquifers feed into adjacent coastal marine areas via springs. Such a leak could damage important marine ecosystems including the nearby Sleaford Bay Marine Sanctuary, as well as impacting important Rock Lobster fisheries.

We therefore strongly oppose the development at the proposed site due its impact on highly significant habitat in a Heritage Agreement. We believe that Heritage Agreements must be afforded protection in perpetuity, in law. We would not be opposed to the development if it were on cleared land well away from sensitive areas of high biodiversity value. We would welcome an opportunity to discuss this matter further.

Yours Sincerely,



Michael Stead

President, NCSSA

CC:

Corey Wingard MP	Minister for Transport and Infrastructure (SA)
The Hon Mark Parnell MLC	Member of the Legislative Council (SA)
Dr Susan Close MP	Shadow Environment Spokesperson (SA)
Sussan Ley MP	Federal Environment Minister
Terri Butler MP	Shadow Federal Minister for the Environment and Water

Emily Jenke	Presiding Member, Native Vegetation Council
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The Conservation Council of SA	
The Wilderness Society	
The Field Naturalists Society of SA	
Birdlife Australia	
Birds SA	

Friends of Parks South Australia	
Friends of Southern Eyre Peninsula Parks	
Friends of Coffin Bay Parks	
Friends of Private Bushland	

Sources:

<sup>1</sup> The South Australian Government Gazette, 29 August 2019, page 3132

<sup>2</sup> <http://www.environment.gov.au/biodiversity/threatened/species/pubs/26006-conservation-advice.pdf>

<sup>3</sup> <http://www.environment.gov.au/biodiversity/threatened/recovery-plans/three-mallee-birds>

<sup>4</sup> <https://www.iucn.org/theme/protected-areas/about/protected-area-categories/category-ib-wilderness-area>

<sup>5</sup> [https://plan.sa.gov.au/state\\_snapshot/development\\_activity/major\\_projects/majors/sleaford\\_southern\\_launch](https://plan.sa.gov.au/state_snapshot/development_activity/major_projects/majors/sleaford_southern_launch)