

Native Vegetation Council

Consultation on native vegetation clearance applications

Submission form

You're invited to submit your views on applications to clear native vegetation.

Submissions will assist the Native Vegetation Council to make decisions about the removal and reestablishment of native vegetation in line with the *Native Vegetation Act 1991* and *Native Vegetation Regulations 2017*.

If you have any questions or require assistance completing this form, please contact the Native Vegetation Branch on (08) 8303 9777 or email nvc@sa.gov.au.

Name of clearance application that you are responding to:

Stirling Cemetery - Adelaide Hills Council. Clearance of 0.34ha in two different areas (0.22ha + 0.12ha, respectively)
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Your details

Name	Julia Peacock
Organisation	Nature Conservation Society of SA
Phone number	(08) 7127 4633
Email	julia.peacock@ncssa.asn.au
Would you like your comments to be anonymous on the public record? All submissions will be provided in full to the Native Vegetation Assessment Panel for consideration. Copies of submissions may also be requested by the applicant and/or members of the public. Please select yes if you would like your comments to remain anonymous if a request is made.	Yes
Are you happy to be contacted by the Native Vegetation Branch to discuss your submission?	Yes
	Preferred time and method of contact Tuesday or Thursday by phone or email
Would you be interested in presenting your submission to the Native	Yes – if the NVAP believed it would be of value

Vegetation Assessment Panel if invited?	
Would you like to be notified of other consultations being run by the Native Vegetation Council? Tick yes to be added to our consultation e-newsletter distribution list.	Yes, if I'm not already on the distribution list

Comments in response to application

**Please note: It is not compulsory to answer all of the questions. We recommend that you concentrate on the questions that you can confidently answer and leave the others blank.*

1. Please provide a brief summary of the main reasons you are making a submission.

The Nature Conservation Society of SA (NCSSA) is a community-based, not-for-profit organisation that, since 1962, has been a strong advocate for protection of native vegetation and biodiversity conservation in South Australia, with particular attention being paid to nationally and state listed threatened plants, animals and ecological communities and the management of protected areas.

Whilst NCSSA understands the desire of the Adelaide Hills Council to support the burial preferences of its local community by expanding the existing Stirling Cemetery site, we do not support approving this application because:

- It proposes the clearance of 'substantially intact stratum', approval for which cannot be granted according to section 27(2) of the *Native Vegetation Act 1992*,
- It seeks approval for clearance which is 'seriously at variance' with one of the principles of clearance, and 'at variance' with three more, without committing to what NCSSA believes is an adequate Significant Environmental Benefit (SEB),
- If approval were to be granted (notwithstanding our first point), NCSSA believes the Adelaide Hills Council should protect the remaining vegetation on the site through a Heritage Agreement to stop further incremental clearance in the future, and
- The survey work undertaken to complete the Data Report has not adequately addressed the presence of rare and/or threatened species on the site. A number of species are identified as being 'likely' to occur but it is not clear whether they have been specifically searched for and/or counted as 'present'.

For example, it would appear that Southern Brown Bandicoot was assessed as not being present at the site (implied by the text on page 6 of 'a nocturnal

survey would be required to determine their presence' and the statement that 'No National or State-listed fauna species were observed [at the site]... ', (page 25), however, the species was recorded in the project area in 2002 (page 8) and fur and diggings which may indicate the species' presence were identified in a follow-up survey in October 2019 (page 31).

The confirmed presence of rare and/or threatened species would impact the 'Conservation Significance Score' for the area proposed for clearance, and therefore the 'Biodiversity Score', which in turn would increase the SEB requirement.

NCSSA contends that consent should not be granted without fully understanding the conservation impact of clearance. The Data Report itself recommends further survey to establish the presence of nocturnal species of conservation concern, including Southern Brown Bandicoot, Common Brushtail Possum, Grey-headed Flying-fox and Yellow-footed Antechinus.

2. Are there other sites available for carrying out the proposed activity that would result in no or less vegetation clearance and/or impacts on biodiversity? There may be alternative sites on property owned by the applicant, or the applicant could purchase or lease alternative land.

According to page 28 of the Data Report, section 6.3.1 Avoidance, there are no suitable alternative sites, although details of Council's considerations of alternative sites are not provided. However, to avoid or at least reduce the amount of clearance, NCSSA suggest Council consider the feasibility of reducing the carpark area and reallocating that space to the graveyard.

The estimated cost of \$1.5-\$2m for a new site seems somewhat misleading since it is for "a new cemetery of a similar size to what is currently occupied by graves", rather than the additional capacity being sought through this clearance.

3. How could the size, design or construction method of the proposed activity be changed to prevent or reduce impacts on biodiversity? This may include removing elements of the development that will have unacceptable impacts.

NCSSA understands there are some large trees on the site, for example a Messmate Stringybark of considerable size, potentially large enough to be a Regulated or even a Significant Tree. If clearance is approved, large trees like this should be retained to lessen the impact on biodiversity and improve amenity.

Also numerous plant species of regional conservation significance occur at both of the proposed clearance areas (see response to Question 9 for details) and these should be translocated (see Question 4 for further elaboration).

No comment on Council's determination regarding the amount of space required

for approximately 10 years of additional capacity at the Cemetery.

4. What other actions could be undertaken by the applicant and its contractors during the construction and undertaking of the proposed activity to prevent or reduce impacts on biodiversity?

If this clearance is approved, NCSSA recommends that a pre-clearance survey is undertaken by a suitably qualified, knowledgeable, experienced and independent ecologist to determine the presence of flora and fauna species immediately prior to the commencement of vegetation clearance.

In addition to the rare flora species that was identified in the Data Report, numerous plant species of regional conservation significance occur at both of the proposed clearance areas (see response to Question 9 for details). Significant flora species that occur in the clearance areas should be translocated within the site where possible, or to another suitable site if this is not possible. Council could work with groups such as Trees for Life or local Landcare or conservation groups to translocate and re-home these individual plants.

Where fauna with the inability to independently relocate easily is identified, the impacted individuals should be relocated to suitable habitat nearby under supervision of a suitably qualified ecologist.

5. Are there any other measures that could be adopted by the applicant to prevent or reduce clearance of native vegetation and/or impacts on biodiversity?

See earlier comment regarding retaining large trees and rare and/or regionally significant plant species.

6. Has the applicant adequately demonstrated how they will undertake the ongoing monitoring and management of issues associated with the proposed activity, such as weed and pest invasion? If not, what other actions should the applicant commit to?

This is not addressed in the Data Report, beyond 'ongoing weed control, particularly for declared weeds, is undertaken across to [sic] Project Area" (page 28).

Management actions for the broader area of remnant vegetation are presumably outlined in the Council's vegetation management plan for the site (a copy was requested from Council but had not been provided at the time of preparing these comments).

7. Has the applicant adequately demonstrated that they can re-instate vegetation as much as possible through restoration activities once the proposed activity has

ceased? If not, what other actions should the applicant commit to?

N/A – Data Report states this will be complete clearance (but see comment above regarding retaining large trees).

8. Are there other opportunities for delivering the required Significant Environmental Benefit offset (if applicable) that would produce better environmental outcomes?

In order to avoid any future clearance, NCSSA believes the Adelaide Hills Council should commit to the conservation of the remainder of the vegetation on the site as a condition of any clearance approval.

The Data Report indicates that the Council's preference is to pay into the Native Vegetation Fund rather than provide an on-ground SEB (page 29), but also that no further space at the site should be required since "At the point that the new area reached capacity, the cemetery would be closed for new burials, except if they were to be accommodated in existing plots" (page 28), and also that a Heritage Agreement "would be considered" (page 29).

The Data Report states that the Cemetery is 7.22ha, "much of which is remnant native vegetation" (page 1), so it should be possible to provide an on-ground SEB through protecting the remaining vegetation. The Council "acknowledges the high level of biodiversity on the site" (page 28) and has recently prepared a vegetation management plan for the site (dated 2017, according to the References in the Data Report).

As stated earlier in these comments, it seems that the presence of species of conservation concern, such as the Southern Brown Bandicoot, has not been confirmed at the site. This is important since a confirmed presence would increase on the SEB requirements for the site. NCSSA contends that consent should not be granted without fully understanding the conservation impact of clearance.

9. Please provide any additional records or anecdotal evidence on the flora and fauna located in the clearance area that the Native Vegetation Assessment Panel should consider when reviewing the application.

NCSSA understands that there are several species of regional conservation significance at the site, including the Mount Lofty Ground-berry (*Acrotriche fasciculiflora*), Mount Lofty Bush-pea (*Pultenaea involuocrata*) and Varnish Wattle (*Acacia verniciflua*) which should also be transplanted, if possible, should clearance be approved.

NCSSA contests the assertion that the vegetation at Site 1 is not 'intact stratum' (page 26). Although there are a few Pine Trees and other weeds present, particularly on the edges, these could be addressed through active management. The site has not been "seriously degraded through human activity" and there remains a

considerable diversity of native species. NCSSA concurs that Site 2 is 'intact stratum'.

10. If you believe that clearance consent should not be granted, please outline your reasons and provide any additional information available to support your position.

As stated earlier, NCSSA does not believe clearance consent should be granted because:

- It would involve clearing intact stratum,
- It is 'seriously at variance' with one of the principles of clearance and 'at variance' with three more,
- Survey work has not been adequate for rare and/or threatened species, such as the Southern Brown Bandicoot, and the SEB calculation may therefore be under-estimated, and
- A Heritage Agreement over the remainder of the site would prevent further clearance in the future and therefore should be a requirement of any approval, if granted.

Declaration

x	I hereby certify that to the best of my knowledge the information provided in this submission is complete and correct and no information is false or misleading.
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Lodging your form

Send your completed submission to the Native Vegetation Branch via:

Email: nvc@sa.gov.au.

Post: GPO Box 1047 Adelaide SA 5001