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:

Hog Bay Road Kangaroo Island Road Upgrade Project – clearance totaling 1.1455ha

Your details

Name	Julia Peacock
Organisation	The Nature Conservation Society of SA
Phone number	0400 277 423
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/~~No
Are you happy to be contacted by the Native Vegetation Branch to discuss your submission?	Yes/~~No~~ Preferred time and method of contact Phone or email, ideally Tues-Thurs
Would you be interested in presenting your submission to the Native Vegetation Assessment Panel if invited?	Yes/~~No~~, if the NVAP deemed that to be helpful

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/~~No~~

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 NCSSA is concerned that survey effort for this clearance application has been insufficient to identify the full suite of threatened plants present along Hog Bay Road. Given the high likelihood of other threatened plants being present within the zone of proposed impact, the NVAP must **request further survey work** to be undertaken before consent for clearance is granted.

As well as putting populations of threatened species at risk, failing to identify all threatened species present along Hog Bay Road results in an **incorrectly low calculation** of the required Significant Environmental Benefit payment for this proposed clearance, which is calculated to be $58,367.53 in the Data Report.

Given the known occurrences of populations of five *Environment Protection and Biodiversity Conservation Act* (EPBC) Act-listed plant species (two of which were identified in the Data Report: *Caladenia ovata* and *Beyeria subtecta*, as well as *Leionema equestre*, *Spyridium glabrisepalum* (formerly *Spyridium eriocephalum* var. *glabrisepalum*) and *Olearia microdisca*) and the presence of the critically endangered Kangaroo Island Narrow-leaved Mallee (*Eucalyptus cneorifolia*) Woodland, it is **essential that the action be referred** under the EPBC Act.

The NCSSA wishes to draw to the NVAP's attention to the Kangaroo Island Council Roadside Vegetation Management Plan from 2007 that states "Hog Bay Road is one of the most important roads in South Australia for significant threatened plant species". The conservation significance of the area is therefore very high, and any clearance should therefore be carefully and adequately scrutinized by NVAP.

Further, the NCSSA provides links to two of reports which contain details of threatened flora along Hog Bay Rd, based on field surveys, including a management plan for this very roadside:

https://www.researchgate.net/publication/331400262_Davies_R_1998b_Roadside_Environmental_Management_Plan_Kingscote_to_Penneshaw_Road_RN_4883_Between_Hundred_Line_Road_Three_Chain_Road_Report_prepared_for_Transport_SA

https://www.researchgate.net/publication/279012097_Threatened_Plant_Species_on_Roadsides_Kangaroo_Island_South_Australia

These reports should be reviewed and their content reflected in the revised Data Report that the NCSSA believes is required for this proposed clearance.

Attachment A to this submission maps significant flora sites along Hog Bay Road (and surrounding roads) as per Davies 1986. Development sites which are problematic include 13, 39-41, 42, 51-53, 57-58 (as numbered in the Data Report). These sites will impact on important populations of five EPBC-listed plant species: *Olearia microdisca*, *Caladenia ovata*, *Leionema equestre*, *Spyridium glabrisepalum* and *Beyeria subtecta*.

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.

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.

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?

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?

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?

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?

8. Are there other opportunities for delivering the required Significant Environmental Benefit offset (if applicable) that would produce better environmental outcomes?
It is highly likely that a greater diversity and number of threatened plant species are present within the proposed clearance zone than have been identified in the Data Report (see response to 9. below). Failing to identify their presence impacts on the calculation of the required Significant Environmental Benefit (SEB) required for this clearance because the "threatened plant score" component of the calculation is underestimated. The NVAP should therefore assume the current calculation of $58,367.53 is an underestimate that will need to be recalculated following further, more thorough, survey work.

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.
The Data Report states: "Thirty three threatened plant species were recorded in the database search with the search criteria of within 5km of the site, recorded since 1995 (see Appendix 3). Two - *Beyeria subtecta* and *Xanthorrhoea semiplana* ssp. *tateana* - were found during the assessment. The survey was undertaken in mid-winter, when many annual species are not evident, and diagnostic features on most of the perennial species, such as flowers or fruit, are not present, making species confirmation sometimes difficult." Given the high number of EPBC and State-rated flora known from this area, a **more targeted survey at the right time of year** must be undertaken before consent can be granted. The Data Report also states that "Plant species that are recorded in the area and which may be present but due to dormancy, or lack of identifying features, were not observed, include: • *Caladenia ovata* – EPBC VU, State R • *Caladenia reticulata* – State R • *Caladenia sanguinea* – State R

- *Pterostlis melagramma* – State E
- *Austrostipa densiflora* – State R
- *Austrostipa multispiculis* – State R"

The NCSSA's response to this part of the Data Report, and additional EPBC Act-listed threatened flora species also likely to be present, is as follows:

Caladenia ovata; EPBC Vulnerable

This threatened orchid is present along Hog Bay Road. Recent survey work, funded by the federal Department for Climate Change, Energy, the Environment and Water, found that the second largest population of the species, containing 146 plant (a third of all known plants) abuts Hog Bay Road and partially occurs in the road reserve abutting Heritage agreement HA 235 (on both sides of the road). **It is critical that the development avoid this population**.

An individual map has not been attached for this species due to the need to keep its precise location confidential, however, the population is at or around site 42, as identified in the Data Report.

The status of this species under the EPBC Act is currently under review, and it is likely to be "uplisted" from vulnerable to endangered.

Beyeria subtecta; EPBC Vulnerable

Recent survey work confirmed that scattered plants of *Beyeria subtecta* are still present along the western end of Hog Bay Road but numbers have declined significantly.

Whilst this species was identified as present at one site, it is likely to be more widespread in the proposed clearance area. Transplanting the individual found, as has been suggested in the Data Report, is unlikely to be successful.

Attachment B shows known records of this species from Hog Bay Road as available in Nature Maps, and this information needs to be carefully compared with the 90 sites of impact for this proposed clearance.

Leionema equestre; EPBC Endangered

The report 'Threatened Plant Species on Roadsides: Kangaroo Island, South Australia' (Davies 1996, link provided on page 3 of this submission) found one of the largest populations of *Leionema equestre* (totalling 1130 plants) in roadside vegetation along Hog Bay Rd. Surveys undertaken earlier this year (supported by the KI Landscape Board) revisited surviving populations of the species including this population. Thorough surveys found that this population had declined to 103 plants.

It is therefore **essential that this population not be further depleted** since other populations are under severe threat elsewhere from weed invasion and works by KI Council.

Attachment C shows known records of this species along Hog Bay Road as available in Nature Maps.

Olearia microdisca; EPBC Endangered

Also likely to be present - endemic to South Australia and found only on the eastern side of Kangaroo Island, growing in low lying areas subject to seasonal waterlogging such as along creek banks and gilgais in open mallee woodland and shrubland with *Eucalyptus cneorifolia* and/or *E. cosmophylla. Olearia microdisca* is an early successional species and the majority of the populations is found in areas regenerating from a significant disturbance event such as vegetation clearing or fire.

Recent survey confirmed this species extant on the western end of Hog Bay Road.

Attachment D shows known records of this species along Hog Bay Road as available in Nature Maps.

Spyridium glabrisepalum: EPBC Vulnerable

This species is known from five subpopulations on the eastern side of Kangaroo Island, with the majority of individuals occurring along Hog Bay Road, see summary table at:

https://www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon_id=13771#:~:text=The%20MacGillivray%20Spyridium%20is%20a,at%20the%20end%20of%20stems

Recent survey on road verges at the western end of Hog Bay Rd confirmed this species was still extant.

Attachment E shows known records of this species along Hog Bay Road as available in Nature Maps.

Potential for threatened species presence, even if not recorded

It is important that clearance not disturb areas where the EPBC-listed species have been previously recorded. Just because a species is presently not on the aboveground vegetation does not mean it is not surviving in the soil seedbank. *Eucalyptus cneorofolia* mallee vegetation quickly suppresses most understorey species as it senesces, so just because it cannot presently seen does not mean it is not there. It will come back after the next fire as long as it does not have a road or culvert put on top of it.

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.
Consent should not be granted until further, more thorough, survey work is undertaken in the correct season and the SEB requirement increased accordingly. This proposed action also requires referral under the EPBC Act due to the presence of a number of matters of national environmental significance.

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.

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