

Native Vegetation Council



Reference: NVR 2019/3028/520, NVC Mtg 224 Agenda Item 14

Contact: Peter Farmer
Telephone: 8207 7704

Level 4
81-95 Waymouth St
ADELAIDE SA 5000

16 July, 2019

Neil Lynch
Executive Director
Tasmanian Walking Company
Quamby Estate, 1145 Westwood Rd
Hagley, TAS 7292

GPO Box 1047
ADELAIDE SA 5001

Ph| 08 8303 9777

nvc@sa.gov.au

REGULATION ADVICE NOTIFICATION ***Schedule 1, Regulation 12(33) – New dwelling or building***

Dear Neil,

RE: Kangaroo Island Wilderness Trail Accommodation

At its meetings on 2nd May and 3rd July 2019, the Native Vegetation Council (NVC) considered the proposed native vegetation clearance associated with the construction of tourist accommodation described in the Kangaroo Island Wilderness Trail Accommodation application, based on information provided by the Native Vegetation Branch (NVB), supplied application documentation and supplementary information.

The NVC would like to thank your team attending the site visit and willingly addressing requests for further information. In considering the application the NVC:

- were of the opinion that the significant environmental benefit discount applied to the proposed clearance for walking/access track development and vegetation management zones for fire protection varied from the significant environmental benefit (SEB) guidelines and disallowed the discount applied. The resultant increased SEB requirement is reflected in condition 4 below; and
- required reporting of monitoring outcomes annually for 5 years as part of the management plan requirements, this is reflected in condition 5 below.

The NVC considered that the proposed clearance described in the Kangaroo Island Wilderness Trail Accommodation application and determined that the application satisfies the requirements of Native Vegetation Schedule 1, Regulation 12(33) (Attachment 1). The NVC resolved to endorse the clearance of up to 1.66ha of native vegetation as described in the Kangaroo Island Wilderness Trail Accommodation application including reports titled: *Haby, M and Rowley, D.J. (2018) Native Vegetation Assessment- KI Walk, Internal report to Tasmanian Walking Company. Dated 4 December 2018, RMP Environmental Pty Ltd (2019) Australian Walking Company: Kangaroo Island Wilderness Trail Accommodation, Data Report 2, Addendum to Report 1. Dated 1 March 2019* and supplementary information subject to:



**Government
of South Australia**

1. Confirmation of final impact areas. If there is any change to the clearance requirement for the development, the Australian Walking Company is to confirm the final clearance area and SEB offset requirement on finalizing the detailed design of the Kangaroo Island Wilderness Trail Accommodation Project prior to undertaking clearance. The extent of clearance must include, but not limited to clearance for construction of, communal buildings, accommodation pods and lookouts supported by staging posts, walking tracks and light (service) vehicle access tracks, water tanks, waste storage and ancillary development including vegetation management clearance zones, laydown areas and temporary construction facilities requirements;
2. Compliance with the regulation is subject to full development consent being granted by the State Commission Assessment Panel for Development Application Nos. 520/L006/18 and 520/L008/18 prior to any native vegetation clearance occurring on site.

Note: SCAP granted Development Plan Consent for Development Application Nos. 520/L006/18 and 520/L008/18 on 13th June 2019

3. A pre-clearance survey is to be undertaken by a suitably qualified ecologist to determine the presence of threatened flora and fauna species immediately prior to commencement of vegetation clearance. Where threatened flora are identified the alignment of the track should be adjusted to retain individual plants, where possible. Where fauna are identified with the inability to independently relocate easily, the impacted individuals are to be relocated to suitable habitat nearby under supervision of a suitably qualified ecologist.
4. An Significant Environmental Benefit offset requirement equivalent to 210.30 SEB points based on 1.66ha clearance is to be delivered by the Australian Walking Company by payment of \$177,336.58 (Native Vegetation Fund \$168,091.54 GST exclusive, Administration fee \$9,245.04 GST inclusive) to the Native Vegetation Fund to be made within one month of invoice date. (Note the invoice will not be sent until the attached form "Understanding of Regulation Advice" is signed and returned).
5. A Native Vegetation Management Plan is to be developed for the construction and operational phases, including decommissioning of the site if the operation ceases, to the satisfaction of the Native Vegetation Council prior to commencement of construction. The plan can include:
 - Additional surveys and monitoring if required;
 - Construction methods to avoid damage to other native vegetation on site;
 - Suppressing erosion and/or sedimentation;
 - Controlling the spread of pest plant and pathogenic material and on-going monitoring;
 - Site rehabilitation post construction, including targeted revegetation if required;
 - Fauna management to avoid or mitigate impacts on fauna species, including threatened species during construction;
 - Prior to construction, locations of threatened plants will be flagged and infrastructure and track alignments micro sited to avoid individual plants, where possible.
 - Rehabilitating areas degraded during construction with appropriate native species of local provenance including conservation significant species such as *Correa backhouseana* var. *orbicularis*.
 - Outlining restoration works if the development is de-commissioned in the future.

- Report monitoring outcomes, annually to the NVC for 5 years from the date of completion of construction; and
6. The endorsement shall be valid for a period of 2 years from the decision date, after which time a new endorsement will be required.

Note: In respect of the proposed clearance you are informed that the Native Vegetation Council makes this decision in accordance with the *Native Vegetation Act 1991* and accepts no responsibility to release the landowner from the requirements of the Commonwealth *Environment Protection & Biodiversity Conservation Act 1999*.

Please complete the attached form, "Understanding of Regulation Advice" (including signature of landowner and agent; a scanned copy is acceptable), to confirm that you fully understand the Advice and Conditions detailed in this letter. **No clearance is to occur until this form is signed and returned.**

Please feel free to contact Peter Famer on 8207 7704 if you have any questions.

Yours sincerely,



Adam Schutz
For
Native Vegetation Council

Attachment 1. - Native Vegetation Regulation 12(33)

Division 5—Risk assessment

12—Risk assessment

- (1) Subject to this Division, native vegetation may be cleared in any of the circumstances set out in Schedule 1 Part 4, Part 5 or Part 6.
- (2) The operation of this regulation extends to native vegetation that is growing or is situated on land that is subject to a heritage agreement or a management agreement if a provision of the relevant Part of Schedule 1 setting out circumstances in which vegetation may be cleared specifies that the provision applies to such vegetation.

16—Clearance for other activities

- (1) Clearance of native vegetation for the purposes of activities of a kind specified in Schedule 1 Part 6 is permitted only if it is undertaken in accordance with—
 - (a) the written approval of the Council; or
 - (b) standard operating procedure determined or approved by the Council for the purposes of this provision.
- (2) Authorisation to clear native vegetation under subregulation (1) is subject to—
 - (a) a condition—
 - (i) that the clearance of native vegetation is to be undertaken in accordance with a management plan, approved by the Council for implementation, that results in a significant environmental benefit; or
 - (ii) that the person undertaking the operations is to make a payment into the Fund of an amount considered by the Council to be sufficient to achieve a significant environmental benefit in the manner contemplated by section 21(6) or (6a) of the Act,as determined by the Council; and
 - (b) such other conditions as the Council thinks fit.
- (3) Clearance of native vegetation for the purposes of activities of a kind specified in Schedule 1 Part 6 is permitted only if any conditions that apply to the approval are complied with.

Schedule 1, Part 6

33—New dwelling or building

- (1) Clearance of vegetation required in order to erect a building or structure or other facility that is ancillary to a building, provided that any development authorisation required by or under the *Development Act 1993* has been obtained.
- (2) Subclause (1) does not apply to—
 - (a) clearance of vegetation established in accordance with a condition of a consent for clearance of vegetation; or
 - (b) clearance of vegetation undertaken in connection with subdivision of the land on which the vegetation is growing or is situated; or
 - (c) clearance that would be contrary to—
 - (i) a condition of a consent for clearance of vegetation; or
 - (ii) a condition imposed in connection with clearance of vegetation permitted under these regulations; or
 - (iii) a condition in respect of clearance permitted under the revoked regulations.



Note: Please read the Regulation Advice Notification to acknowledge that you have understood the Advice made by the Native Vegetation Council, then sign and return this form by email or post to:

Send to: Peter Farmer,
Native Vegetation Branch
Dept for Environment and Water
GPO Box 1047 Adelaide SA 5001

Email: peter.farmer@sa.gov.au

UNDERSTANDING OF REGULATION ADVICE

File: 2019/3028/520 - Landowner: DEW, Agent: Australian Walking Company

I clearly understand the Native Vegetation Council's Regulation Advice Notification and the conditions associated with clearance.

Name of Landowner(s) or Company:

Signature of Landowner(s) or seal of Company and authorised signatory:

.....

Date:

Name of Agent(s) or Company:

Signature of Agent(s) or seal of Company and authorised signatory:

.....

Date:

**Native Vegetation Regulation Application
Regulation 12(33) - New dwelling or building
Australian Walking Company - KIWT Accommodation, Sanderson Bay**



REGULATION ADVICE PLAN 1/2





**TO FORM PART OF THE DECISION TO THE
NATIVE VEGETATION COUNCIL**

APPLICATION NO. 2019/3028/520

HUNDRED of MCDONALD

D38340 Q53

Crown Record Vol. 6176 Fol. 336

-  **Clearance exempt under Regulation 12(33) as detailed in application documentation**
-  **Property/Section Boundary**
-  **Road**
-  **KI Wilderness Trail**

Produced for: Native Vegetation Council
By: Native Vegetation Branch
Department for Environment and Water

Imagery: Kangaroo Island 18-22Dec2016 40cm

Date: 12/07/2019
Version: 01
Datum: GDA94

SO: PF

Delegate, Native Vegetation Council

Dated: 16/7/2019

Decision Date: 16/7/2019



Native Vegetation Council



0 80 160 240 320 400 Meters

Scale: 1:5500

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**Native Vegetation Regulation Application
Regulation 12(33) - New dwelling or building
Australian Walking Company - KIWT Accommodation, Sandy Creek**



Government of South Australia
Department for Environment
and Water

REGULATION ADVICE PLAN 2/2

TO FORM PART OF THE DECISION TO THE
NATIVE VEGETATION COUNCIL

APPLICATION NO. 2019/3028/520

(OH) KINGSCOTE

D38340 A51

Crown Record Vol. 6176 Fol. 336



Clearance exempt under Regulation 12(33) as
detailed in application documentation



Property/Section Boundary



Road



KI Wilderness Trail

Produced for: Native Vegetation Council
By: Native Vegetation Branch
Department for Environment and Water

Imagery: Kangaroo Island 18-22Dec2016 40cm
Date: 12/07/2019
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SO: PF

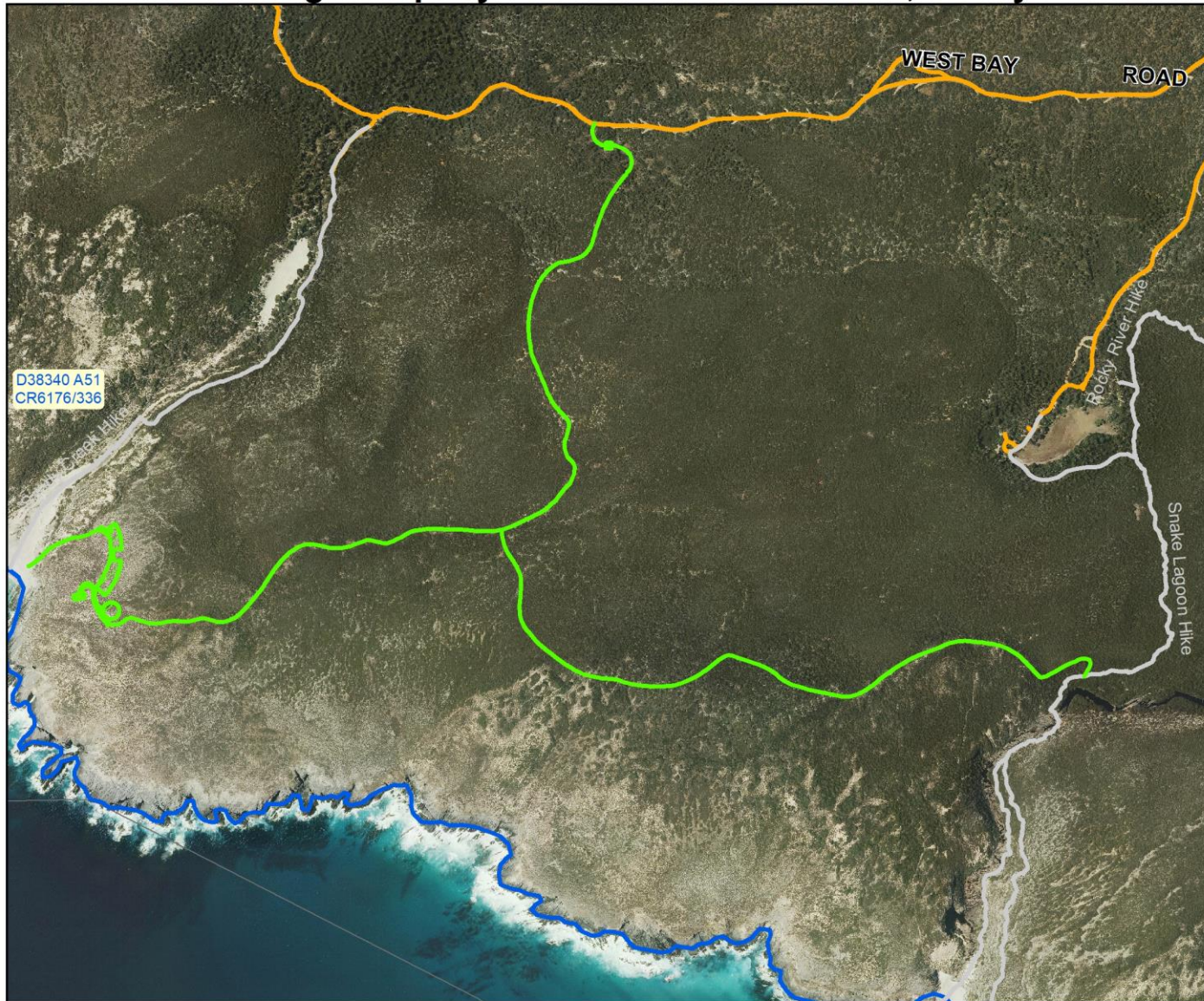


Native Vegetation Council

Delegate, Native Vegetation Council

Dated: 16/7/2019

Decision Date: 16/7/2019



0 240 480 720 960 1,200 Meters

Scale: 1:15000

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