

Senate Standing Committee on Environment, Communications and the Arts
Inquiry into the Operation of the
Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)

Answers to questions on notice

Question Number 7
Division: Approvals and Wildlife Division
Branch: Compliance and Enforcement Branch
Topic: 2005 Referral Decision – Fleurieu Peninsula, South Australia
Hansard Page: 83

Senator McEwen asked:

In the evidence given [to the Committee] by the National Parks Australia Council, reference was made to a decision in South Australia on the Fleurieu Peninsula which involved an offset. The referral number was 2005/2060. Could you look at what that witness said about that instance and perhaps provide a departmental response to it, on notice?

...

There is an allegation being made there and there was some suggestion—it was also an allegation—that the landholder concerned had been asked a couple of times, presumably by the department, to provide adequate fencing and had not done so, had not complied with the order. I am interested in getting your response.

[Evidence given to the Committee by the National Parks Australia Council appears at pp.27-39 of the Hansard; see in particular p.34]

Answers:

The decision in question did not involve an offset. The action resulted in the loss of approximately 2ha of vegetation, which included approximately 0.8ha of swamp vegetation. The 0.8ha area was determined to be degraded and of low biodiversity value. Furthermore, the loss of this area would not have a significant impact on the listed ecological community (the *Swamps of the Fleurieu Peninsula*).

Notwithstanding that the action would not have had a significant impact on the matter of national environmental significance, the proponent proposed that 19.7ha of remnant vegetation, comprising a mixture of *Swamps of the Fleurieu Peninsula* and open woodland, would be fenced off and rehabilitated.

The landholder has made a number of requests for an extension of time to complete the fencing. In January 2009, the Department agreed to the extension of time to 31 December 2009.

The grounds for requesting extensions have included delays in the Council development approval process, legal proceedings and inclement weather.