

12 November 2010

Mr Guy Maine
Director, The Experience Group
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Via email to: guy@heliexpereinces.com

Copy to:

Approvals and Wildlife Division
Department for Environment, Water,
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Via email to: michelle.sullivan@environment.gov.au

Attention: Senior Project Officer - Referrals

Dear Sir/Madam

Reference: Heli Experiences/Tourism and recreation/North of Hanson Bay, Kangaroo Island/SA/Helicopter Joyflight Operation – EPBC Ref. 2010/5524


I am writing on behalf of the Conservation Council of SA regarding the proposal by Mr Guy Maine of 14 Eva Street, Malvern (EPBC Ref: 2010/5524) to operate helicopter joy flights on allotment 4, Plan DP18009, Hundred of Mc Donald in South Australia and over the South and West coast of Kangaroo Island.

The **Conservation Council of South Australia** is South Australia's peak non-government community environment organization. Formed in 1971, it is an umbrella group for over 50 of the state's diverse environment groups, who collectively represent tens of thousands of individuals in SA.

We wish to comment on additional information provided by Mr Maine in support of his response to the EPBC Act referral (see Attachment).

In essence Conservation Council of South Australia cannot support the proposal and is recommending that the referral is refused. Specific reasons are outlined in further detail below.

Yours faithfully



Hadyn Hanna
Operations Manager Conservation Council of South Australia



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NON RAPTOR MIGRATORY SPECIES

The referral documentation does not deal with the many non-raptor bird species active in this area, many of which are migratory and therefore protected under CAMBA, JAMBA and ROKAMBA agreements. These species have not been referred to in the Referral response by Mr Maine. The agreement on the Conservation of Albatrosses and Petrels (ACAP) is a binding treaty conducted under the auspices of the Convention on Migratory Species (CMS) or Bonn Convention and signed in 2001 by Australia.

Albatrosses protected under this Agreement include the Black-browed Albatross. This albatross, whilst not commonly foraging close to the shore on southern coasts have been recorded within the flight path range proposed by Heliexperiences (C Baxter Pers comm.).

The proponent provides no information on the impact of his proposed operation on these species and further investigations are required to establish possible impact on those species.

Listed species (derived from the Bonn List) known to occur, either as residents or seasonally, within the proposed flight path (C.Baxter, T.E.Dennis and F.J.Vickery Pers comm.), include the following;

Migratory

Caspian Tern
Curlew Sandpiper
Eastern Curlew
Greenshank
Japanese Snipe
Lewin's Rail
Red-necked Stint
Sanderling
Sharp-tailed Sandpiper
Sooty Albatross
Southern Giant Petrel
Wandering Albatross
Black-browed Albatross

Threatened species

Hooded plover
Western whip-bird

RAPTOR SPECIES

The White-bellied Sea-eagle

Conservation Council of South Australia presented information and argument regarding the potential impact of the proposed activity on the White-bellied

Sea-eagle in our original submission however we now add the following observations by raptor experts on the threats to that species.

'Based on the major threats to the species, the long-term survival of the White-bellied Sea-Eagle in Australia depends primarily upon the retention of existing habitat (especially nesting habitat) **and the protection of nesting sites from interaction with humans or human activity** (Clunie 1994; Dennis & Lashmar 1996).'

'The disturbance of nesting pairs by human activity can thus lower breeding success, and has been associated with some local population declines, for example, abandoned territories on the Eyre Peninsula and far west coast of South Australia were located in areas that had been developed for tourism or that contained recreational sites accessible by vehicles (Clunie 1994; Dennis & Lashmar 1996; Mooney & Brothers 1986). Abandonment of nesting sites on Kangaroo Island also followed developments in the areas (Dennis & Baxter 2006).'

Raptors generally

Since 1971 all Australian raptors have been protected by legislation. Care still must be taken to ensure their conservation, particularly as Peregrine Falcons are excitable birds and easily disturbed. They nest on spectacular cliffs that are also the preferred sites used by rock climbers, nature lovers and sightseers. The risk of disturbance to some falcon pairs has also led to closure of some cliffs to the public during breeding season and nature trails and lookouts have also been moved to where they cause least disturbance." (Environment Protection and Biodiversity Conservation website.)

Fly Neighbourly Agreement (FNA)

The proponent's response includes reference to the Waitpinga Cliffs FNA stating that;

'The Waitpinga Cliffs FNA was negotiated with CASA because of the proliferation of nests along this relatively short (4Nm) strip of coastline.'

This statement is incorrect. Elizabeth Steele-Collins, a key stakeholder in the establishment of this FNA, states; 'There is just White-bellied Sea-eagle pair here.' ... as far as we are aware the Waitpinga pair is the only known pair on the mainland coast of SA from Central Victoria to Eyre Peninsula'. This observation is supported by SA Raptor expert Mr Terry Dennis.

The proponent compares the Waitpinga situation to the SW coast of Kangaroo Island and states that; 'Therefore Heliexperiences does not need to comply with the Waitpinga Cliffs FNA recommendations because Heliexperiences flight paths do not pass any concentration of nests.'

Conservation Council South Australia cannot agree with this statement by the proponent. We suggest that the Waitpainga FNA should provide the basis

and the minimum guidelines for limiting the impact of rotary winged aircraft on Kangaroo Island.

The Waitpinga FNA Exclusion Zone is located approximately 50 nautical miles south of Adelaide and is approx. 2.5 nautical miles south west of Victor Harbor. The width of the exclusion zone is 1 nautical mile, and the length is approx. 4 nautical miles. Pilots are requested to maintain a minimum altitude of 2000 ft AGL in the exclusion zone unless operation at this altitude would jeopardise the safe conduct of the flight. The RAAF have zoned the area at 5000 feet AGL minimum during the breeding season (from May through to January). We understand that the SA Life-Saver Rescue Helicopter also observes a no fly zone nearly double the proponent's proposal.

Conservation Council South Australia suggests the operating parameters set for the Waitpinga FNA should be adopted as the minimum requirement for this proposal and included in an FNA for the south and west coast of Kangaroo Island.

Conservation Council of South Australia also makes the observation that clearly the proposal is associated with Southern Ocean Lodge where restrictions (emergencies operations only) have already been placed on helicopter operations as part of the development approval under the relevant South Australian Development Planning legislation. In particular, reference should be made to decisions Gazetted on October 15 2009, which confirm the restriction of helipad use to 24 movements per calendar year, and define a specific flight path in which "flight paths over the coastline shall be avoided in all situations."

Summary

For the reasons outlined above Conservation Council of South Australia cannot support the proposal and recommends that the referral is refused.