

Native Vegetation Council

81-95 Waymouth St, ADELAIDE SA 5000 | GPO Box 1047, ADELAIDE SA 5001
Ph| 08 8303 9777; email| nvc@sa.gov.au



DECISION NOTIFICATION *Native Vegetation Act 1991*

Application Number: 2022/2004/520

To: Adam and Carly Bussenschutt
Via: [REDACTED]

Date Received: 16/3/2022
Date Registered: 16/3/2022

Applicant	Adam and Carly Bussenschutt
Landholder	Darlain Pty Ltd (Crown Lease)
Purpose of application	Clearance of native vegetation for the expansion of a dam
Description of native vegetation under application	0.79 Ha <i>Eucalyptus baxteri</i> , <i>Eucalyptus obliqua</i> , <i>Eucalyptus cosmophylla</i> +/- <i>Eucalyptus fasciculosa</i> over <i>Acacia retinodes</i> , <i>Xanthorrhoea semiplana</i> , <i>Gahnia trifida</i> + <i>Juncus pallidiflora</i>
Location of the application	H110300 S14, Hundred of Duncan, CL 6171/157

Decision

The Native Vegetation Council has considered your application in accordance with the requirements of Section 28 of the *Native Vegetation Act 1991*.

In respect of the application you are informed that the Native Vegetation Council:

1. **Grants consent** to the clearance of 0.79 ha of native vegetation in the area shown on the attached Decision Plan 2022/2004/520 for the purpose specified in this decision.
2. **Grants consent**, subject to the following conditions, to the establishment of an SEB credit area over 18.68ha providing 71.51 SEB points of credit.

Reason for Decision:

The clearance of native vegetation under application is not Seriously at variance with the Principles of native vegetation clearance. The establishment of SEB Credit is considered to meet the requirements of Section 25A of the Act.

Conditions of approval

This approval is subject to the conditions specified below. These conditions have been imposed to ensure that the impacts on native vegetation and biodiversity from approved clearance is adequately minimised and mitigated;

1. The applicant must ensure that only native vegetation approved for removal in accordance with this decision is removed. Prior to clearance commencing, the applicant must advise all persons undertaking the vegetation removal or working on site, of all relevant conditions of approval and associated statutory requirements.
2. No clearance to occur until Development Approval has been obtained under the *Planning, Development and Infrastructure Act 2016* (including Building Rules Consent) where required.
3. Prior to any clearance being undertaken the applicant must obtain, if necessary, the relevant water allocation.
4. Any excavation or fill material surplus to the requirements of the development must be disposed of such that it will not:
 - adversely impact on native vegetation;

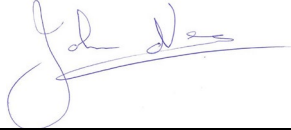


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- contribute to erosion or sedimentation;
 - facilitate the spread of pest plant and pathogenic material;
5. Prior to clearance commencing, the applicant must define the area or trees approved for clearance with markings, barriers, pegs, flags or temporary fencing. The markings, barriers, pegs, flags or temporary fencing must remain in place, in good condition and clearly visible, for the period in which clearance is occurring.
 6. The landowner is to protect an area land in perpetuity containing a minimum of 18.68ha in the area marked "SEB area" in the attached Plan numbered 2022/2004/520, for the conservation and management of native vegetation and native fauna habitat. The land must not be used in a manner that is inconsistent with this dedication.
 7. The SEB Area must be managed in accordance with the Native Vegetation Management Plan titled:
Native Vegetation Management Plan
SEB Area Reference Name: 2022_4005
Registered Proprietor: Darlain Pty Ltd
Period of Management Plan: 2022-2032
Plan authored by: Richard Glatz and Carly Bussenschutt
 8. As a minimum, the SEB area must be managed in accordance with the following requirements:
 - a) undertake an effective and ongoing weed control program within SEB area to ensure the successful regeneration of native vegetation in the area.
 - b) exclude stock or other domestic grazing animals from the SEB area.
 - c) maintain and if necessary, upgrade the fence around the SEB area.
 - d) access to the SEB Area by any vehicles or machinery must not impact on the health or growth of native vegetation, unless to assist in promoting the growth or regeneration of native vegetation or for aboriginal cultural purposes.
 - e) not cause or permit the construction of any buildings or other structures, other than signs or works required in relation to the approved management plan, on the SEB Area, if it will impact on the health or growth of native vegetation.
 9. The applicant must provide an annual report to the Native Vegetation Council by the anniversary date of this decision, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of the Native Vegetation Council.
 10. Members of the NVC or a person who is an authorised officer under the Act may at a reasonable time enter the property of the landowner for the purpose of assessing and recording any matter relevant to this consent. A person undertaking such an assessment may be assisted by other suitable persons. Any such inspection will only be taken after there has been an attempt to contact the landowner.
 11. Non-compliance with any of the conditions of this approval must be reported to the Native Vegetation Council as soon as practical after the non-compliance being detected, but must be within a maximum of seven days. The report must include details of the nature of the breach, the location and extent of the breach and the actions taken and associated timing for completion of those actions, to address the breach.
 12. No clearance is to occur until the attached form, "Decision Notification Acknowledgement", is signed and returned to confirm that the applicant and anyone else who is a party to the agreement, understand and will comply with the decision, including all the associated conditions.
 13. The applicant must adequately inform any prospective purchaser, lessee or occupier of the land affected by conditions in this consent, of the relevant conditions.

Expiry date of approval

The approval to clear native vegetation in accordance with this decision ceases after 2 years from the 14/06/2022.

Signature	
Name	John Neal
Position	CHAIR, NATIVE VEGETATION ASSESSMENT PANEL
Date	14/06/2022 (Decision Date)

Notes

1. Effect of Consent

This Decision Notification grants consent under the *Native Vegetation Act 1991* only and does not imply approval under any other legislation. It is the responsibility of the landowner to obtain all relevant approvals for any proposed development. This includes any approval that might be required in relation to the *Commonwealth Environment Protection & Biodiversity Conservation Act 1999*.

2. Conditions

Please note that these conditions are an integral part of the consent and are legally binding under the *Native Vegetation Act 1991* and *Native Vegetation Regulations 2017*. Should **any** clearance occur in accordance with this decision, the conditions are enforceable in full.

Any conditions of consent are binding on and enforceable against the person granted the approval, any current and future owners of the land, any occupier of the land and any person who acquires the benefit of the clearance.

3. Amended decisions

Where a decision is amended, all previous versions of the decision are null and void.

If an application to amend a decision will substantially alter the nature of the original application or conditions of approval, the Native Vegetation Council may require a new application be submitted.

4. SEB Areas

All areas established as a condition of consent to provide a significant environmental benefit, whether through revegetation, management or protection of an area of native vegetation, are protected in perpetuity under the *Native Vegetation Act 1991*. No clearance of native vegetation within these areas can occur without the consent of the Native Vegetation Council.

5. Monitoring

The Native Vegetation Council undertakes a program of monitoring of conditions attached to any clearance consent. As part of this program, the landowner may be contacted by an officer of Department to arrange inspections. Should it be evident that the conditions have not be applied with in full, the landholder will be informed in writing of the nature of breach of the conditions and given an opportunity to comply with the conditions. However, if the breach of the conditions is substantial, ongoing or irreversibly, then the Council may take compliance actions under Section 31 of the *Native Vegetation Act 1991*.

6. Use of cleared vegetation

Native vegetation authorised for clearance under a Decision Notification may be a useful resource, as a source of seed for local revegetation projects, for woodcraft purposes or providing hollows for relocation. Please consider notifying any local seed collection groups to offer them the opportunity of collecting seed at the time of clearance, and making any timber from the cleared trees available for woodcraft or hollow relocation.

APPENDIX 1: SEB POINTS PER VEGETATION ASSOCIATION

The following table shows the SEB credit points approved for NVS2022/4005/520. The points will be listed on the Native Vegetation Credit Register.

Site Number	Vegetation Association	SEB points
1	<i>Eucalyptus cosmophylla</i> +/- <i>Eucalyptus baxteri</i> +/- <i>E. obliqua</i> +/- <i>E. fasciculosa</i> riverine woodland over <i>Acacia retinodes</i> +/- <i>Xanthorrhoea semiplana</i> +/- <i>Leptospermum continentale</i> +/- <i>Melaleuca gibbosa</i> +/- forbs, sedges (+/- <i>Gahnia trifida</i> +/- <i>Lepidosperma viscidum</i>), rushes (<i>Juncus pallidiflora</i>), grasses and pasture weeds.	71.51
TOTAL		71.51

DECISION NOTIFICATION ACKNOWLEDGEMENT

Application Number: **2022/2004/520**

The applicant, and all parties to the decision, have received a copy of the Decision Notification (decision date 14/06/2022) are fully aware and will comply with the decision and all the attached conditions.

Name of applicant:

Signature of applicant or seal of Company and authorised signatory, including the signature of any other parties to the decision:

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Date :

Note: *Sign and return this form by post or email to:*

Send to: **Native Vegetation Branch**
 C/o
 Department for Environment and Water
 GPO Box 1047 Adelaide SA 5001

Email: brianna.fyffe2@sa.gov.au

Native Vegetation Clearance Application

Section 28 Clearance - Dam expansion



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DECISION PLAN (1 of 2)

TO FORM PART OF THE DECISION OF THE
NATIVE VEGETATION COUNCIL

APPLICATION NO. 2022/2004/520

HUNDRED of DUNCAN

Plan H110300 / Section 14

Certificate of Title CL 6171/157



Conditional Consent



Property/Section Boundary

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

Imagery: Kangarooland_29May-17Jul2020

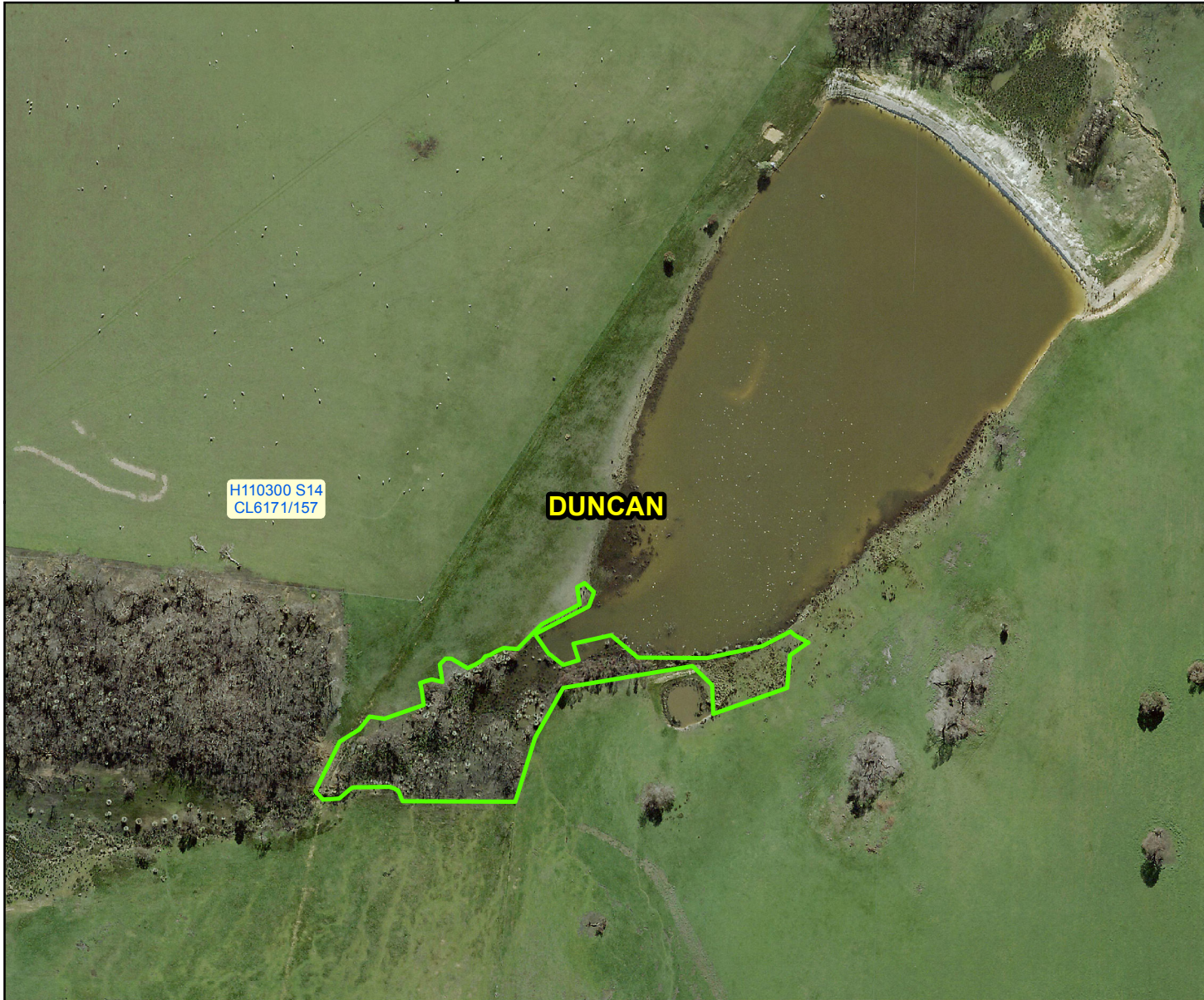
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Version: 01
Datum: WGS_1984



Native Vegetation Council

Native Vegetation Assessment Panel

Decision Date: 14/06/2022



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Native Vegetation Clearance Application

Adam and Carly Bussenschutt



Government of South Australia

Department for Environment
and Water

DECISION PLAN (2 of 2)

TO FORM PART OF THE DECISION OF THE
NATIVE VEGETATION COUNCIL

APPLICATION NO. 2022/2004/520

HUNDRED of DUNCAN

Plan H110300 / Section 14

Certificate of Title CL 6171/157



Property/Section Boundary



SEB Area



Road

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

Imagery: Kangarooland_29May-17Jul2020

Date: 3/6/2022
Version: 01
Datum: WGS_1984



Native Vegetation Council

Native Vegetation Assessment Panel

Decision Date: 14/06/2022



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