

Native Vegetation Council

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Ph| 08 8303 9777; email| nvc@sa.gov.au



DECISION NOTIFICATION Native Vegetation Regulations 2017

Application Number: 2022/3243/520

To: [REDACTED]
Department for Infrastructure and Transport
GPO BOX 1533
Adelaide SA 5000
Email: [REDACTED]

Date Received; 31/08/2022
Date Registered: 06/10/2022

Applicant	Department for Infrastructure and Transport
Landholder	The Crown, under care & control of Kangaroo Island Council – Road Reserve
Purpose of application	Clearance is required for upgrade works to Hog Bay Road between Playford Highway (MM 0) and Penneshaw (MM 52). Works include shoulder sealing, culvert upgrades, curve widening and hazard protection or removal.
Description of native vegetation under application	<p>1.1455 ha of native vegetation made up of the following vegetation associations:</p> <ul style="list-style-type: none">• VA 1. 0.098 ha of <i>Eucalyptus diversifolia</i>, <i>E. cosmophylla</i> mallee woodland• VA 2. 0.02 ha of <i>Eucalyptus rugosa</i>, <i>E. diversifolia</i> mallee woodland• VA 3. 0.336 ha of <i>Eucalyptus cneorifolia</i>, <i>E. diversifolia</i> mallee woodland• VA 4. 0.303 ha of <i>Eucalyptus cneorifolia</i>/ <i>E. diversifolia</i>/ <i>E. rugosa</i> open forest• VA 5. 0.114 ha of <i>Eucalyptus cneorifolia</i>, <i>E. cosmophylla</i>, <i>E. diversifolia</i>, mid mallee• VA 6. 0.0635 ha of <i>Myoporum insulare</i>, <i>Leucopogon parviflorus</i>, <i>Olearia axillaris</i> tall shrubland• VA 7. 0.0825 ha of <i>Melaleuca halmaturorum</i>, <i>M. brevifolia</i>, <i>M. lanceolata</i> low woodland• VA 8. 0.07 ha of <i>Leucopogon parviflorus</i>, <i>Olearia axillaris</i>, <i>Myoporum insulare</i> shrubland• VA 9. 0.0585 ha of <i>Melaleuca halmaturorum</i>, <i>M. brevifolia</i> shrubland



Government
of South Australia

Location of the application	Local Government Area: Kangaroo Island Council Parcel ID/Title ID: n/a - road reserve along Hog Bay Road, between Kingscote (MM 0) and Penneshaw (MM 52). Hundred: Menzies
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Decision

The Native Vegetation Council has consider your application in accordance with the requirements of Regulation 12, Schedule 1; Clause 32 of the *Native Vegetation Regulations 2017*.

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

1. Grants consent to clearance of 1.1455 ha of native vegetation in the area shown on the attached Decision Plan 2022/3243/520 for the purpose specified in this decision.

Reason for Decision:

The clearance of native vegetation meets the requirements of Native Vegetation Regulation 12, Schedule 1; Clause 32.

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. Clearance to be confined to the 1.1455 ha native roadside vegetation as shown on the attached Decision Plan 2022/3243/520, and in the submitted report: *Native Vegetation Clearance Data Report, Hog Bay Road Kangaroo Island MM 0 – MM 52 Road Upgrade Project*, prepared by Jackie Ayre, dated 21 August 2022;
2. No clearance to occur until approval, if required, has been sought and obtained under the *Environment Protection and Biodiversity Conservation Act 1999*;
3. The applicant must ensure that only native vegetation approved for removal in accordance with this decision is removed;
4. 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;
5. Prior to clearance commencing, the applicant must define the trees and vegetation 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. Infrastructure construction is undertaken in a way that machinery, vehicle movement and material laydown areas are restricted to the approved clearance area, existing tracks or areas devoid of native vegetation;
7. When undertaking any clearing or other activity authorised under this approval, the applicant or anyone acting on their behalf must take the following steps to minimise the risk of the introduction and spread of weeds and dieback (*Phytophthora*):
 - a. clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;

- b. ensure that no known Phytophthora or weed-affected soil, mulch, fill or other material is brought into the area to be cleared;
 - c. restrict the movement of machines and other vehicles to the limits of the areas to be cleared;
 - d. where Phytophthora is known or likely to occur within the area of clearance, to minimise any spread, avoid machinery movement when or in areas where soils are wet or muddy;
8. Any excavation or fill material surplus to the requirements of the development must be disposed of such that it will not:
 - a. adversely impact on native vegetation;
 - b. contribute to erosion or sedimentation;
 - c. facilitate the spread of pest plant and pathogenic material;
9. The Significant Environmental Benefit requirement (equivalent to 78.50 SEB points) is to be achieved by making a payment of \$58,367.53 (\$55,324.67 – GST exclusive - for clearance and \$3,042.86 for administration – GST inclusive) to the Native Vegetation Fund, and is to be made within one month of invoice date. (Note the invoice will be sent once the attached form 'Decision Notification acknowledgement' is signed and returned);
10. 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;
11. 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;
12. 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 decision date.

Signature	
Name	Vaughan Levitzke PSM
Position	CHAIR, NATIVE VEGETATION ASSESSMENT PANEL
Date	18/10/2022 (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.

DECISION NOTIFICATION ACKNOWLEDGEMENT

Application Number: **2022/3243/520** **DIT**
 Upgrade of Hog Bay Rd
 MM 0 – MM 52

The applicant, and all parties to the decision, have received a copy of the Decision Notification (decision date 18/10/2022) 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: sharon.gillam@sa.gov.au

Native Vegetation Clearance Application DIT - Hog Bay Rd upgrade MM 0 - MM 52



Government of South Australia
Department for Environment
and Water


DECISION PLAN

TO FORM PART OF THE DECISION OF THE
NATIVE VEGETATION COUNCIL

APPLICATION NO. 2022/3243/520

HUNDRED of MENZIES, HAINES & DUDLEY

Roadside reserve Hog Bay Road, KI

-  Conditional Consent
(1.1455 ha)
-  Property/Section Boundary
-  Road

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

Imagery: Latest_Imagery_ImageMapSA

Date: 06/10/2022
Version: 01
Datum: GDA2020

NVO: SG



Chair, Native Vegetation Assessment Panel

Decision Date: 18th October 2022

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