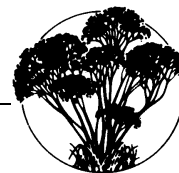


# Native Vegetation Council

81-95 Waymouth St, ADELAIDE SA 5000 | GPO Box 1047, ADELAIDE SA 5001

Ph| 08 8303 9777; email| [nvc@sa.gov.au](mailto:nvc@sa.gov.au)



## DECISION NOTIFICATION Native Vegetation Regulations 2017

**Application Number: 2021/3157/453**

**To:** Attention: Catherine Gray  
Transport Planning & Program Development  
Department for Infrastructure and Transport  
GPO Box 1533  
ADELAIDE SA 5001

**Date Received:** 09/08/2021

**Date Registered:** 12/08/2021

<b>Applicant</b>	Department for Infrastructure and Transport (DIT)
<b>Landholder</b>	Land Owner: The Crown – road reserves
<b>Purpose of application</b>	Clearance is required for the construction of an overtaking lane for southbound traffic heading towards Victor Harbor, on the Victor Harbor Road (MM40.3 – MM42), between Crows Nest Rd and the Mont Rosa Rd / Squires Rd intersections, Hindmarsh Valley. Works will include the installation of guard rail, reconstructed shoulders and drainage improvements.
<b>Description of native vegetation under application</b>	<p><b>Total clearance includes 0.281 ha native vegetation and 418 scattered trees:</b></p> <p><b>0.281 ha native vegetation, consisting of:</b></p> <ul style="list-style-type: none"><li>• <b>0.17 ha</b> <i>Eucalyptus leucoxylon</i> ssp <i>leucoxylon</i> (Blue Gum) woodland;</li><li>• <b>0.089 ha</b> <i>E. camaldulensis</i> (River Red Gum) open woodland; and</li><li>• <b>0.022 ha</b> <i>E. leucoxylon</i> ssp <i>leucoxylon</i> (Blue Gum) / <i>E. fasciculosa</i> (Pink Gum) woodland;</li></ul> <p><b>388 scattered trees (eastern roadside) – LF 1.0:</b></p> <ul style="list-style-type: none"><li>• 121 x <i>Eucalyptus leucoxylon</i> ssp <i>leucoxylon</i> (Blue Gum)</li><li>• 189 x <i>E. camaldulensis</i> (River Red Gum)</li><li>• 21 x <i>E. fasciculosa</i> (Pink Gum)</li><li>• 20 x <i>E. viminalis</i> ssp <i>viminalis</i> (Manna Gum)</li><li>• 24 x <i>Acacia pycnantha</i> (Golden Wattle)</li><li>• 1 x <i>A. melanoxylon</i> (Blackwood)</li><li>• 12 x <i>Allocasuarina verticillata</i> (Drooping Sheoak)</li></ul> <p><b>30 scattered trees (western roadside) – LF 1.0 = 3; LF 0.6 = 7; LF 0.4 = 20:</b></p> <ul style="list-style-type: none"><li>• 23 x <i>Eucalyptus leucoxylon</i> ssp <i>leucoxylon</i> (Blue Gum)</li><li>• 7 x <i>E. camaldulensis</i> (River Red Gum)</li></ul>
<b>Location of the application</b>	Local Government Area: City of Victor Harbor Hundred: Goolwa  Parcel ID/Title ID: n/a - road reserve along the Victor Harbor Road (MM40.3 – MM42), between Crows Nest Rd and the Mont Rosa Rd / Squires Rd intersections, Hindmarsh Valley, and numerous Cadastral Titles along this section of the roadway.



Government  
of South Australia

## Decision

The Native Vegetation Council has considered 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:

**Grants consent** to the clearance of 0.281 ha native vegetation plus 418 scattered trees, in the area shown on the attached Decision Plans 1 & 2, 2021/3157/453, required for the construction of an overtaking lane for southbound traffic heading towards Victor Harbor Road (MM40.3 – MM42), between Crows Nest Rd and the Mont Rosa Rd / Squires Rd intersections, Hindmarsh Valley.

## 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 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 sites totaling 0.281 ha native vegetation plus 418 scattered trees, as shown on the attached Decision Plans 1 & 2, 2021/3157/453, and in the submitted reports: *Native Vegetation Clearance Data Report, Victor Harbor Road Overtaking Lane Project*, prepared by Stuart Collard & Ella West, dated 03/08/2021, and *Native Vegetation Clearance Data Report, (supplementary information) Victor Harbor Road MM 40.3 TO MM42 Northbound*, prepared by Jackie Ayre, dated 27/10/2021;
2. 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;
3. Prior to clearance commencing, the applicant must define the areas and 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;
4. 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;
5. 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;
  - contribute to erosion or sedimentation;
  - facilitate the spread of pest plant and pathogenic material;
6. 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):
  - clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;

- ensure that no known phytophthora or weed-affected soil, mulch, fill or other material is brought into the area to be cleared;
  - restrict the movement of machines and other vehicles to the limits of the areas to be cleared;
  - 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.
7. A pre clearance survey is to be undertaken by a suitably qualified ecologist of hollows to determine the presence of fauna species immediately prior to commencement of vegetation clearance. Where fauna are identified with the inability to independently relocate easily or a likely to be harmed should clearance proceed, the impacted individuals are to be relocated to suitable habitat nearby under supervision of a suitably qualified ecologist.
8. The applicant will within three (3) months of the decision date, relocate hollow limbs from those trees granted conditional consent, to the limbs of trees elsewhere along the roadside. All relocated hollows are to be attached (where possible) at least four metres above the ground;
9. The Significant Environmental Benefit requirement (equivalent to 671.81 SEB points) is to be achieved by making a payment of \$580,786.92 (\$550,508.93 – GST exclusive - for clearance and \$30,277.99 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);
- Note; It is understood that revegetation will be undertaken by the applicant on a property adjacent to the clearance area, which is additional to the SEB payment. The applicant should ensure the revegetation is undertaken successfully, with particular regard to regular watering while saplings are young, and weeding, for a period until the vegetation is sufficiently established;*
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;

#### 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	<b>PRESIDING MEMBER, NATIVE VEGETATION COUNCIL</b>
Date	11/3/2022 (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 been 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:** 2021/3157/453      **Attention:** Catherine Gray  
Department for Infrastructure & Transport  
Victor Harbor Rd overtaking lane  
near Mont Rosa Rd and Squires Rd intersection  
Hindmarsh Valley

*The applicant, and all parties to the decision, have received a copy of the Decision Notification (decision date 11/3/2022) 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:

.....

.....

.....

.....

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 Regulation Application DIT - Victor Harbor Rd overtaking lane



Government of South Australia  
Department for Environment  
and Water






### DECISION PLAN 1 of 2

TO FORM PART OF THE DECISION TO THE  
NATIVE VEGETATION COUNCIL

APPLICATION NO. 2021/3157/453

HUNDRED of GOOLWA

Road reserve + adjacent parcels

-  Conditional Consent  
(0.281 ha + 418 trees)
-  Property/Section Boundary
-  Road

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

Imagery: Latest\_Imagery\_ImageMapsSA

Date: 08/11/2021  
Version: 01  
Datum: GDA94

NVO: SG



Native Vegetation Council

Delegate, Native Vegetation Council

Dated: 11/3/2022

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Scale: 1:4400

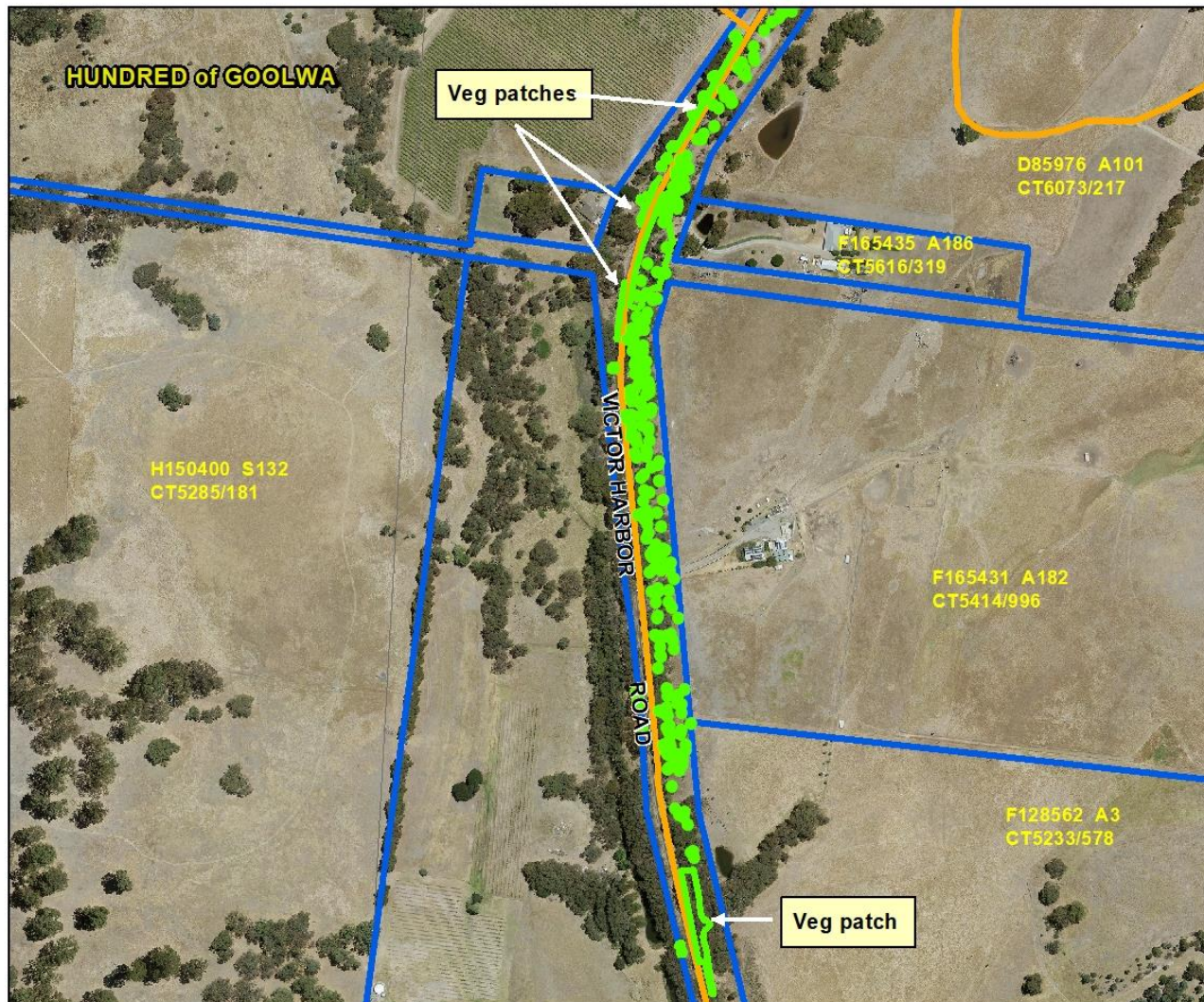
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# Native Vegetation Regulation Application DIT - Victor Harbor Rd overtaking lane



Government of South Australia  
Department for Environment  
and Water



## DECISION PLAN 2 of 2

TO FORM PART OF THE DECISION TO THE  
NATIVE VEGETATION COUNCIL

APPLICATION NO. 2021/3157/453

HUNDRED of GOOLWA

Road reserve + adjacent parcels

- Conditional Consent  
(0.281 ha + 418 trees)
- Property/Section Boundary
- Road

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

Imagery: Latest\_Imagery\_ImageMapsSA

Date: 08/11/2021  
Version: 01  
Datum: GDA94

NVO: SG



Delegate, Native Vegetation Council

Dated: 11/3/2022

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0 80 160 240 320 400 Meters

Scale: 1:5300

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