

Native Vegetation Council

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DECISION NOTIFICATION *Native Vegetation Regulations 2017*

Application Number: 2022/3075/292

To: Attention: Patrick Mitchell
Principal Planner
Walker Corporation
PO Box 3665 Rundle Mall
Adelaide SA 5000

Date Received: 16/03/2022
Date Registered: 30/03/2022

Applicant	Walker Buckland Park Developments Pty Ltd
Landholder	Lot 624 Legoe Rd (CR 5757/317) – Crown Land Legoe Rd road reserve – managed by City of Playford
Purpose of application	Clearance is required for the construction of an intake pipeline to transport saline water as part of a revised stormwater mitigation strategy for the Riverlea major development at Riverlea Park, within the City of Playford.
Description of native vegetation under application	<p>1.25 ha native vegetation that includes the following vegetation associations:</p> <ul style="list-style-type: none">• 0.42 ha <i>Tecticornia</i> sp. (Samphire) shrubland over <i>Disphyma crassifolium</i> ssp. <i>clavellatum</i> (Round-leaf Pigface)• 0.14 ha <i>Avicennia marina</i> ssp. <i>marina</i> (Mangroves)• 0.34 ha <i>Duma florulenta</i> (Lignum) Shrubland over <i>Tecticornia</i> sp. (Samphire) with emergent <i>Eucalyptus camaldulensis</i> ssp. <i>camaldulensis</i> (River Red Gum)• 0.35 ha <i>Duma florulenta</i> (Lignum) Shrubland over <i>Tecticornia</i> sp. (Samphire) riparian system <p>plus</p> <ul style="list-style-type: none">• 6 x <i>Eucalyptus camaldulensis</i> ssp. <i>camaldulensis</i> (River Red Gum) trees
Location of the application	Local Government Area: City of Playford Hundred of Port Adelaide H105800 S624 CR5757/317 Legoe Rd road reserve Location: Lot 624 Legoe Road, Buckland Park SA 5120

Decision

The Native Vegetation Council has considered your application in accordance with the requirements of Regulation 12, Schedule 1; Clause 35 of the *Native Vegetation Regulations 2017*.



**Government
of South Australia**

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

1. **Grants consent** to the clearance of 6 x *Eucalyptus camaldulensis* (Red Gum) trees plus 1.25 ha native vegetation, in the area shown on the attached Decision Plan 2022/3075/292 required for the construction of an intake pipeline to transport saline water as part of a revised stormwater mitigation strategy for the Riverlea major development at Riverlea Park, within the City of Playford.

Reason for Decision:

The clearance of native vegetation meets the requirements of Native Vegetation Regulation 12, Schedule 1; Clause 35.

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. No clearance to occur until Development Approval has been obtained under the *Planning, Development and Infrastructure Act 2016* for the development.
2. Clearance to be confined to the native vegetation as shown on the attached Decision Plan 2022/3075/292 and in the submitted Data Report: *Native Vegetation Clearance, Buckland Park Intake Pipeline*, prepared by Hayley Merigot, dated 16/03/22;
3. 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;
4. 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;
5. 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;
6. 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;
7. Any hollows in trees approved for clearance are to be retained if possible and relocated to a nearby suitable area, either on the ground or attached to the limbs of healthy trees remaining on the property. Hollow limbs are to be a minimum of 50 cm long and if placed in trees, at optimum height (>4m) and orientation;
8. The Significant Environmental Benefit requirement (equivalent to 113.07 SEB points) is to be achieved by making a payment of \$65,299.54 (\$61,910.00 – GST exclusive - for clearance and \$3,389.54 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);

9. 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;
10. Non-compliance with any of the conditions of this approval must be reported to the Native Vegetation Council as soon as practicable 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	19/04/2022 (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: 2022/3075/292 Patrick Mitchell
Principal Planner
Walker Corporation
Installation of an intake pipeline in
association with a major development
located at Lot 624 Legoe Rd
Buckland Park SA 5120 & road reserve

The applicant, and all parties to the decision, have received a copy of the Decision Notification (decision date 19/04/2022) 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 Regulation Application Walker Buckland Park Developments - intake pipeline for Riverlea Park



DECISION PLAN

TO FORM PART OF THE DECISION TO THE
NATIVE VEGETATION COUNCIL

APPLICATION NO. 2022/3075/292

HUNDRED of PORT ADELAIDE

Legoe Road road reserve and
H105800 S624 CR5757/317



-  Conditional Consent
(6 x scattered trees plus 1.25 ha)
-  Property/Section Boundary
-  Road

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

Imagery: Latest_Imagery_ImageMapsSA

Date: 05/04/2022
Version: 01
Datum: GDA94

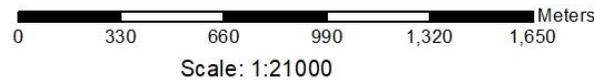
NVO: SG

Delegate, Native Vegetation Council

Dated: 19/04/2022



Native Vegetation Council



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