

# 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: 2022/3106/711**

**To:** Attn: Melissa Peak  
SA Water  
250 Victoria Square/Tarntanyangga  
ADELAIDE SA 5000

**Date Received:** 22/03/2022  
**Date Registered:** 22/03/2022

<b>Applicant</b>	SA Water
<b>Landholder</b>	G GABRIEL, R J GABRIEL, K A ROWETT & M N GABRIEL (S10, S11 & A61 Hd Maude) PASTORAL PURSUITS PTY LTD (S165, S166 Hd Beatty, S1, S2 & S3 Hd Lindley)
<b>Purpose of application</b>	Clearance of native vegetation for renewal of a section (Stage - Package A-1A) of the SA Water Morgan Whyalla Pipeline Number 1 along Pipeline Road, between Eba Rd and Dirty Corner Rd, in the areas known as Maude, Beatty and Lindley.
<b>Description of native vegetation under application</b>	This package of the project proposes the clearance of 11.62 ha of native vegetation comprising the following: <ul style="list-style-type: none"><li>• 0.72 ha of very open <i>Alectryon oleifolius</i> and <i>Myoporum platycarpum</i> woodland over mixed <i>Acacia spp.</i> and chenopod shrubland</li><li>• 1.36 ha of <i>Eucalyptus oleosa</i>, <i>Alectryon oleifolius</i> and <i>Myoporum platycarpum</i> mallee over <i>Acacia spp.</i> and chenopod open shrubland</li><li>• 2.14 ha of <i>Acacia nyssophylla</i> +/- <i>Lawrencina squamata</i> open shrubland</li><li>• 2.21 ha of <i>Austrostipa nitida</i> grassland with emergent <i>Lycium australis</i> and <i>Acacia nyssophylla</i> shrubland in poor condition</li><li>• 3.84 ha of <i>Casuarina pauper</i> low open woodland over <i>Maireana sedifolia</i> shrubland</li><li>• 1.35 ha of <i>Acacia nyssophylla</i> open shrubland</li></ul>
<b>Location of the application</b>	Pipeline Road, Maude, Beatty and Lindley D73871 A61 CT 6011/362 H201000 S10 CT 6011/362 H201000 S11 CT 6011/362 H120300 S165 CT 6078/898 H120300 S166 CT 6078/898 H200900 S1 CT 6213/693 H200900 S3 CT 6213/693 H200900 S4 CT 6213/693 Hundred of MAUDE, BEATTY & LINDLEY

### Decision

The Native Vegetation Council has considered your application in accordance with the requirements of Regulation 12, Schedule 1; Clause 34 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 11.62 ha of native vegetation in the area shown on the attached Decision Plan(s) 2022/3106/711 and as detailed within the data report titled: Eco Logical Australia (2022) Morgan Whyalla Number 1 Pipeline Renewal Stage 1, Package A-1A Data Report, prepared for SA Water, dated March 2022 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 34.

### 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).  
Note: It is acknowledged that no development approval is required for the works in accordance with Division 2 of the *Planning, Development and Infrastructure Act 2016*)
3. 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.
4. The Significant Environmental Benefit requirement (equivalent to 562.83 SEB points) is to be achieved by making a payment into the Native Vegetation Fund of \$144,536.45 (\$137,001.37 for clearance GST exclusive and \$7,535.08 for the administration fee GST inclusive) prior to any clearance occurring (Note an invoice will be sent once the attached form 'Decision Notification acknowledgement' form is signed and returned).;
5. Site rehabilitation will occur in accordance with the following:
  - a) Retain the vegetative material and topsoil removed in accordance with this approval and stockpile the vegetative material and topsoil in an area that has already been cleared or is void of native vegetation.
  - b) At an optimal time within 12 months following completion of the use of any area cleared in accordance with this approval, revegetate the areas that are not required to be kept cleared of vegetation for ongoing operations or maintenance activities, by:
    - I. ripping the ground on the contour to remove soil compaction; and
    - II. laying the vegetative material and topsoil retained in accordance with this condition, on the cleared area(s).
    - III. Continue ongoing weed management in rehabilitation areas.
  - c) Within 24 months of laying the vegetative material and topsoil on the cleared area in accordance with section (b) of this condition, the applicant shall:


- I. engage an environmental specialist to determine the species composition, structure and density of the area revegetated; and
  - II. where, in the opinion of an environmental specialist, the composition structure and density determined under Section (c) of this condition will not result in a similar species composition, structure and density to that of pre-clearing vegetation types in that area, undertake management actions that may include revegetation of the area by deliberately planting and/or direct seeding native vegetation that will result in a similar species composition, structure and density of native vegetation to preclearing vegetation types in that area and ensuring only local provenance seeds and propagating material are used.
- d) Where additional planting or direct seeding of native vegetation is undertaken in accordance with subsection (c) of this condition, the applicant shall repeat subsection of this condition within 24 months of undertaking the additional planting or direct seeding of native vegetation;

Where a determination by an environmental specialist that the composition, structure and density within areas revegetated will result in a similar species composition, structure and density to that of pre-clearing vegetation types in that area, as determined in subsection (c) of this condition, that determination shall be submitted for the Native Vegetation Council for consideration. If the Council does not agree with the determination made under subsection (c) of this condition, the Council may require the Applicant to undertake additional management, planting and direct seeding in accordance with the requirements under subsection (c) of this condition.

6. 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.
7. 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.
8. 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.
9. 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	John Neal
Position	<b>CHAIR, NATIVE VEGETATION ASSESSMENT PANEL</b>
Date	17/05/2022 (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:** 2022/3106/711 SA Water - Morgan Whyalla Number 1 Pipeline  
Renewal Stage 1, Package A-1A

*The applicant, and all parties to the decision, have received a copy of the Decision Notification (decision date 17/05/2022) 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:** [peter.farmer@sa.gov.au](mailto:peter.farmer@sa.gov.au)



# Native Vegetation Clearance Application



Government of South Australia  
Department for Environment  
and Water

## DECISION PLAN (1 of 1)

TO FORM PART OF THE DECISION OF THE  
NATIVE VEGETATION COUNCIL

APPLICATION NO. 2022/3106/711

HUNDRED of MAUDE, BEATTY & LINDLEY

D73871 A61	CT 6011/362
H201000 S10	CT 6011/362
H201000 S11	CT 6011/362
H120300 S165	CT 6078/898
H120300 S166	CT 6078/898
H200900 S1	CT 6213/693
H200900 S3	CT 6213/693
H200900 S4	CT 6213/693

 Conditional Consent

 Property/Section Boundary

 Road

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

Imagery: Greater Murraylands 6-29Feb2020 17cm

Date: 05/05/2022

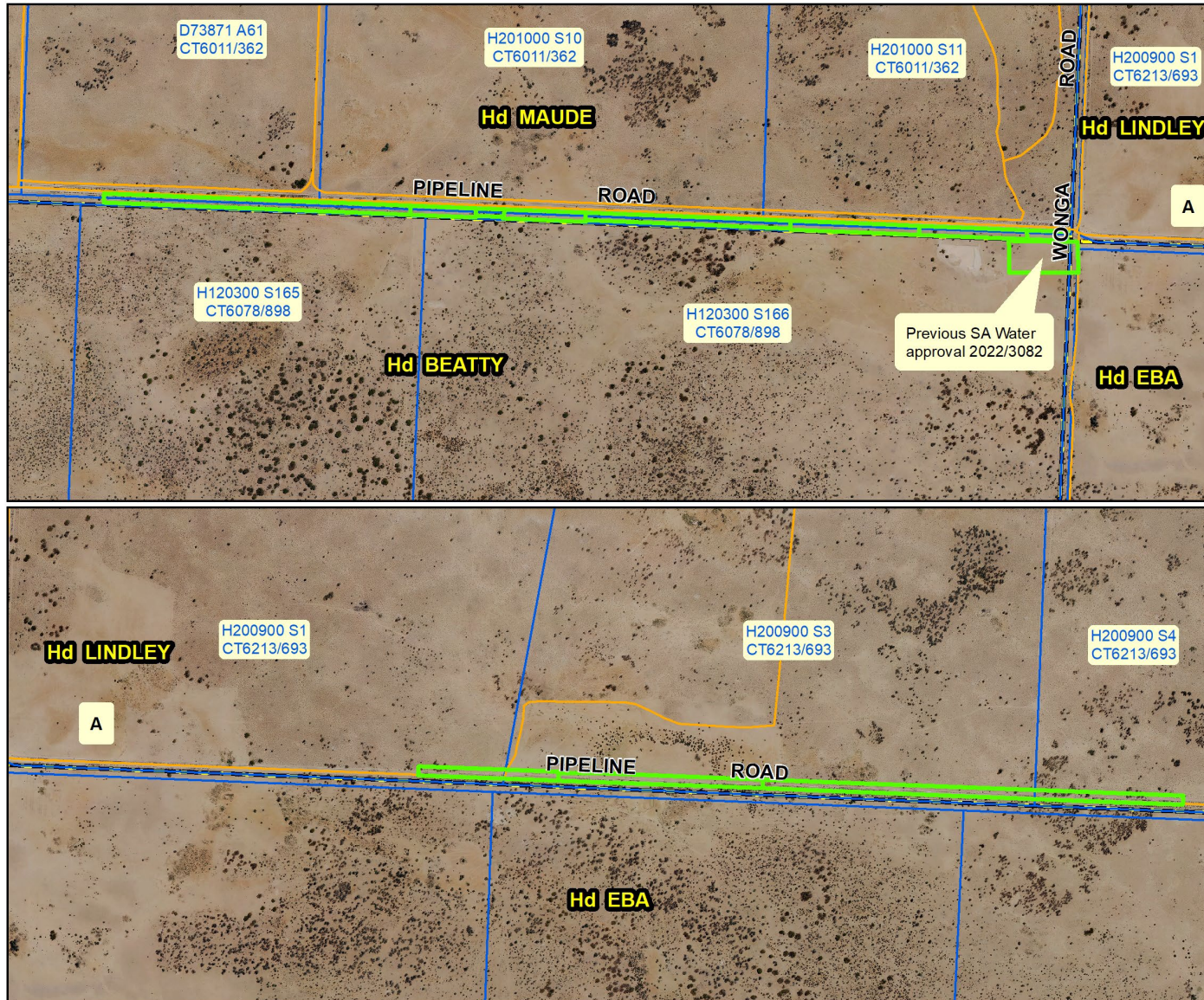
Version: 01

Datum: GDA94



Chair, Native Vegetation Assessment Panel

Decision Date: 17/05/2022



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0 275 550 825 1,100 1,375 Meters

Scale: 1:17500

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