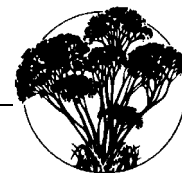


Native Vegetation Council

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 Regulations 2017*

Application Number: 2022/3269/520

To: Attn: John Fernandez
Kangaroo Island Council
PO BOX 639
Kingscote SA 5223
Email: [REDACTED]

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

Mobile: [REDACTED]

Applicant	Kangaroo Island Council
Landholder	The Crown, under care & control of Kangaroo Island Council – Road Reserve
Purpose of application	Clearance is required for the upgrade and sealing of Ten Trees Lagoon Road, Kingscote.
Description of native vegetation under application	32 scattered trees in a <i>Eucalyptus cneorifolia</i> (Narrow-leaved Mallee) Woodland in poor degraded condition, made up of the following: <ul style="list-style-type: none">• 28 x <i>Eucalyptus cneorifolia</i> (Narrow-leaved Mallee)• 4 x <i>Eucalyptus phenax ssp. compressa</i> (Kangaroo Island Mallee)
Location of the application	Local Government Area: Kangaroo Island Council Parcel ID/Title ID: n/a - road reserve along Ten Trees Lagoon Road, between North Coast Road and Playford Highway. Hundred: Menzies

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*.

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

1. **Grants consent** to clearance of 32 scattered trees in the area shown on the attached Decision Plan 2022/3269/520 for the purpose specified in this decision.
2. **Approves** the achievement of the Significant Environmental Benefit by the use of SEB Credit that has been credited in accordance with Decision Notification 2019/4001/520 assigned in accordance with Section 25B of the Native Vegetation Act 1991.

The use of SEB points of credit subsequently reduces the available credit to 1904.74 SEB points.

Reason for Decision:

The clearance of native vegetation meets the requirements of Native Vegetation Regulation 12, Schedule 1; Clause 34.



**Government
of South Australia**

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 32 scattered trees as shown on the attached Decision Plan 2022/3269/520, and in the submitted report: *Native Vegetation Clearance Data Report, Ten Trees Lagoon Road, Menzies*, prepared by Michelle Haby, dated 30th August 2022;
2. The applicant must ensure that only native vegetation approved for removal in accordance with this decision is removed;
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 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. 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. 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;
8. The Significant Environmental Benefit requirement (equivalent to 65.10 SEB points) is to be achieved, in accordance with Section 25A of the *Native Vegetation Act 1991*, by deducting 65.10 SEB points of credit from the Section 41 Hundred of Gosse SEB Area (2019/4001/520);


**Note: The SEB credit currently available under Section 25A(1)(a) of the Act is 1969.84 SEB points of credit. The deduction of 65.10 points of credit subsequently reduces the available credit to 1904.74 SEB points. The 1904.74 SEB points of credit will be available for future applications to clear native vegetation or the assignment of credit under Section 25B of the Act, subject to Native Vegetation Council Policy in place at the time.*
9. The 1904.74 SEB points of credit remaining are available for future use to achieve an environmental benefit required under the Act, or for the assignment of those credits in accordance with Section 25B of the Act. The Native Vegetation Council will consider the extent to which the attached

conditions of this approval have been complied with when considering any application to apply or assign credits and may adjust the value of the credits accordingly.

10. During the active timeframe of the Native Vegetation Management Plan associated with application 2019/4001/520, the Native Vegetation Council may request, in writing, a review and update of the plan if the monitoring conducted indicates that vegetation is not improving in condition to the extent that is expected, or if the actions are unlikely to achieve the objectives specified in the plan, or if new management threats are identified.
11. The Native Vegetation Council reserves the rights to revoke the credits or refuse the assignment of credits under Section 25B of the Act, if the Native Vegetation Council are of the opinion that the applicant has failed to sufficiently comply with the conditions of this approval or the associated SEB Management Plan (2019/4001/520).
12. 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;
13. 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.
14. 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	Andrew Groom
Position	DELEGATE TO NATIVE VEGETATION COUNCIL
Date	9/11/2022 (Decision Date)

Attachment 1 – SEB Credit Assignment

Table 1: Credit available, credit assigned and credit remaining per vegetation association.

Vegetation Association	SEB credit points available for assignment	SEB credit points assigned	SEB credit points remaining
Eucalyptus remota, E. cosmophylla, E. arenacea/baxteri low mallee woodland over Banksia ornata, B. marginata, Hakea rostrata, +/- Allocasuarina striata, +/- Xanthorrhoea semiplana ssp. tateana, +/- Allocasuarina muelleriana ssp. notocolpica shrubs over Phyllota pleurandroides, +/- Daviesia brevifolia, +/- Calytrix tetragona	120.87	0	120.87
Eucalyptus remota, +/-Eucalyptus arenacea/baxteri, +/-Eucalyptus obliqua, Eucalyptus cosmophylla mid open mallee woodland over Banksia ornata, Banksia marginata, Hakea rostrata, Allocasuarina striata, +/-Xanthorrhoea semiplana ssp. tateana, +/-Allocasuarina muelleriana ssp. notocolpica shrubs over Phyllota pleurandroides, +/-Daviesia brevifolia, +/- Calytrix tetragona	1,715.54	65.10	1,650.44
Eucalyptus arenacea/baxteri, +/- Eucalyptus obliqua, +/-Eucalyptus cladocalyx, +/- Eucalyptus cosmophylla low woodland over Xanthorrhoea semiplana ssp. tateana, Hakea rostrata, Banksia marginata, +/-Banksia ornata shrubs over +/-Daviesia asperula ssp. asperula	133.43	0	133.43
Leptospermum continentale, Acacia sp. Swamp (N.M.Smith 3022), Eucalyptus arenacea/baxteri, Eucalyptus cosmophylla mid shrubland over Gahnia sieberiana, Hakea rugosa, Melaleuca squamea, Sprengelia incarnata, Hakea rostrata sedges	0.00	0	0
Eucalyptus cladocalyx, +/-Eucalyptus fasciculosa, +/-Eucalyptus leucoxydon ssp. leucoxydon mid open woodland over Acacia paradoxa, Xanthorrhoea semiplana ssp. tateana shrubs over Pteridium esculentum ferns	0.00	0	0
TOTAL SEB CREDIT POINTS	1969.84		1904.74

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.

**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 KI Council, Ten Trees Lagoon Rd upgrade and sealing



Government of South Australia
Department for Environment
and Water



47

DISCLAIMER
The Department for Environment and Water, its employees and servants do not warrant or make any representation regarding the use, or results of use of the information contained herein as to its correctness, accuracy, currency or otherwise.
The Department for Environment and Water, its employees and servants expressly disclaim all liability or responsibility to any person using the information or advice contained herein.

0 280 560 840 1,120 1,400 Meters
Scale: 1:18000




DECISION PLAN

TO FORM PART OF THE DECISION OF THE
NATIVE VEGETATION COUNCIL

APPLICATION NO. 2022/3269/520

HUNDRED of MENZIES

Parcel & Title:
Road reserve, Ten Trees Lagoon Rd, Kingscote

-  Conditional Consent
(32 x scattered trees)
-  Property/Section Boundary
-  Road

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

Imagery: Latest_Imagery_ImageMapSA

Date: 27/10/2022
Version: 01
Datum: GDA2020

NVO: SG



Delegate, Native Vegetation Council

Decision Date: 9/11/2022

© Government of South Australia, through the Department for Environment and Water.
This work is Copyright. Apart from any use permitted under the Copyright Act 1968 (Cwlth),
no part may be reproduced by any process without prior written permission obtained
from the Department for Environment and Water. Requests and enquiries concerning
reproduction and rights should be directed to the Chief Executive,
Department for Environment and Water, GPO Box 1647, Adelaide SA 5001.