



## DECISION NOTIFICATION

### *Native Vegetation Regulations 2017*

**Application Number: 2021/3123/932**

**To:** Kane and Brooke Slater  
[REDACTED]  
Coffin Bay SA 5607

**Date Received:** 19/5/2021  
**Date Registered:** 19/5/2021

<b>Applicant</b>	Kane and Brooke Slater
<b>Landholder</b>	Kane and Brooke Slater
<b>Purpose of application</b>	The proposal includes the following clearance components: <ul style="list-style-type: none"><li>• Residential dwelling with 40 metre fire buffer.</li><li>• Two eco-pods with 20m fire buffers within which the carparks are contained. 20m vehicle track for Ecopod 1.</li><li>• Unauthorised clearance for a community shelter area, large shed, small tractor shed and tracks.</li></ul>
<b>Description of native vegetation under application</b>	1.486 hectares of native vegetation consisting of the following associations; <ul style="list-style-type: none"><li>• <i>Eucalyptus diversifolia</i> Very Open Mallee</li><li>• <i>Allocasuarina verticillata</i>/<i>Melaleuca lanceolata</i> Low Woodland</li></ul>
<b>Location of the application</b>	Allotment 603 DP 113322, Hundred of Lake Wangary, Certificate of Title Vol 6179 Fol 893

### Decision

The Native Vegetation Council has considered your application in accordance with the requirements of Regulation 12, Schedule 1; Clause 33 of the *Native Vegetation Regulations 2017*.

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

1. **Grants consent** to the clearance 1.486 ha of native vegetation in the area shown on the attached Decision Plan(s) 2021/3123/932 for the purpose of constructing a dwelling and two ecopods.

### Reason for Decision:

The clearance of native vegetation meets the requirements of Native Vegetation Regulation 12, Schedule 1; Clause 33.

### 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.

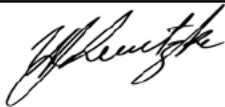
2. No clearance to occur until Development Approval has been obtained under the *Planning, Development and Infrastructure Act 2016* (including Building Rules Consent where required).
3. Prior to clearance commencing, the applicant must define the area or trees approved for clearance with markings, barriers, 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 applicant must ensure that;
  - (i) Any excavated soil and cleared vegetative material, will not be placed or stored on areas of existing native vegetation;
  - (ii) Access, parking and storage of equipment and material is confined to cleared areas away from native vegetation.
5. Prior to the completion of construction works associated with this approval, the applicant must erect or maintain a permanent barriers or fencing and associated signage, to prevent any unauthorised or unintentional access to areas of native vegetation by vehicles or pedestrians, except for access be people on clearly defined tracks.
6. The Significant Environmental Benefit requirement (equivalent to 61.20 SEB points) is to be achieved by;
  - (i) making a payment into the Native Vegetation Fund of \$12,978.19 (\$12,301.42 for clearance GST exclusive and \$676.58 for the administration fee GST inclusive) (providing 18.08 SEB points). The payment must be made **prior** to any clearance occurring (Note an invoice will be sent once the attached form 'Decision Notification acknowledgement' is signed and returned) and;
  - (ii) The landowner is to protect an area land in perpetuity containing a minimum of 8 ha in the area marked "SEB area" in the attached Plan numbered 2021/3123/932, for the conservation and management of native vegetation and native fauna habitat (providing 43.12 SEB points). The land must not be used in a manner that is inconsistent with this dedication.
7. SEB Area must be managed in accordance with the Native Vegetation Management Plan prepared by Phil Landless, dated April 2021.
8. As a minimum, the SEB area must be managed in accordance with the following requirements:
  - (i) undertake an effective and ongoing weed control program within SEB area to ensure the successful regeneration of native vegetation in the area.
  - (ii) exclude stock or other domestic grazing animals from the SEB area.
  - (iii) access to the SEB Area by any vehicles or machinery must not impact on the health or growth of native vegetation, unless to assist in promoting the growth or regeneration of native vegetation or for aboriginal cultural purposes.
  - (iv) not cause or permit the construction of any buildings or other structures, other than signs or works required in relation to the approved management plan, on the SEB Area, if it will impact on the health or growth of native vegetation.
9. The applicant must enter into a Heritage Agreement with the Minister for Environment and Water over 8 hectares of native vegetation contained in SEB Area as delineated on the attached plan. The Heritage Agreement must be signed by the landowner and returned to the Native Vegetation Branch, prior to 22 February 2022.



10. If the applicant fails to comply with Condition 9, then the applicant will be required to achieve the remaining SEB via an additional payment of \$30,974.64 (Total payment of \$43,952.83) into the Native Vegetation Fund. The payment will be required within one month of receipt of the invoice.
11. 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.
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. 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.
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	Vaughan Levitzke PSM
Position	<b>CHAIR, NATIVE VEGETATION ASSESSMENT PANEL</b>
Date	30/11/2021 (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:** 2021/3123/932

*The applicant, and all parties to the decision, have received a copy of the Decision Notification (decision date 31/11/2021) 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:** adam.schutz@sa.gov.au



# Native Vegetation Regulation Application

## DECISION PLAN (1 of 1)


TO FORM PART OF THE DECISION TO THE  
NATIVE VEGETATION COUNCIL


APPLICATION NO. 2021/3123/932

HUNDRED of LAKE WANGARY

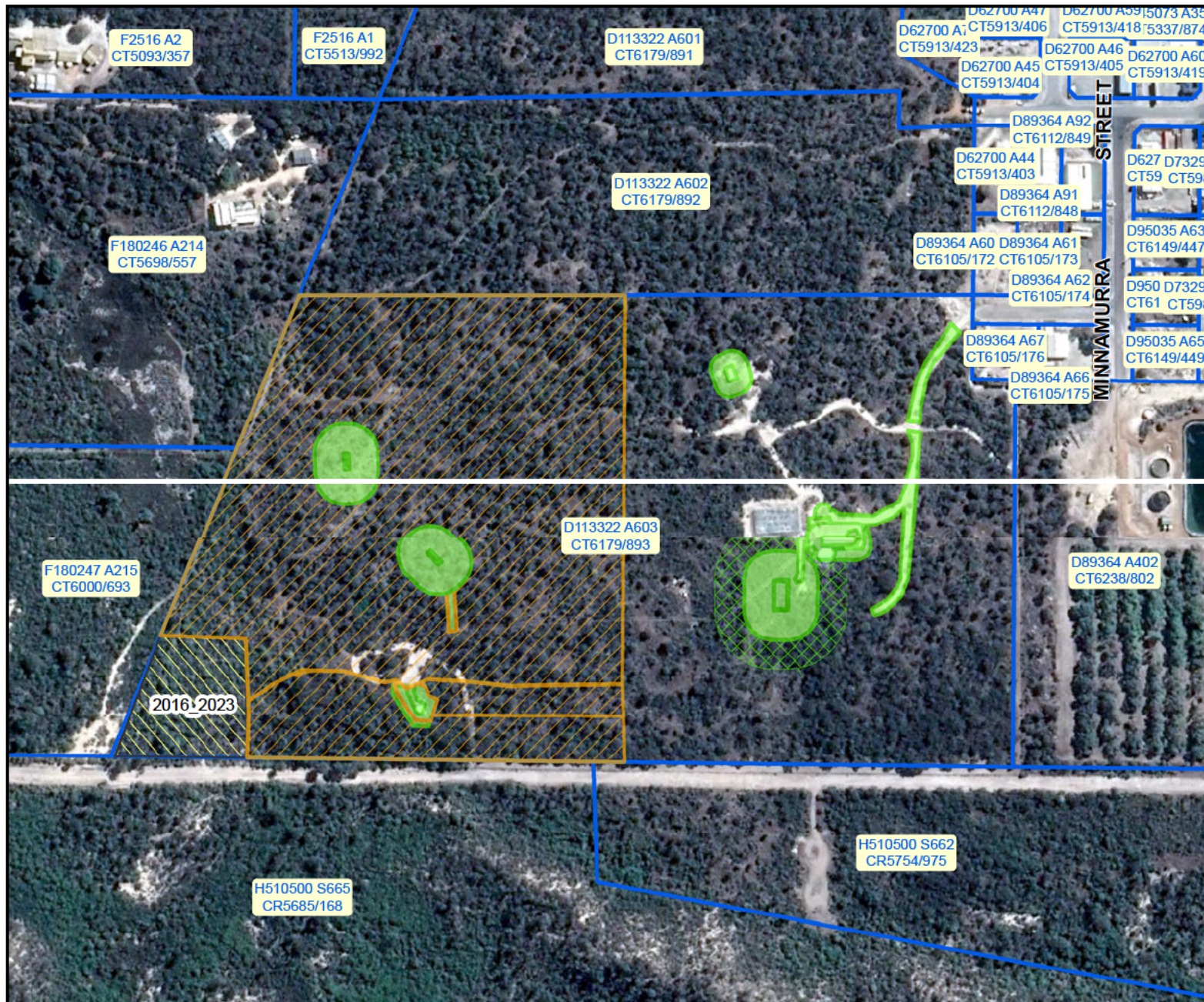
D113322 A603

CT6179/893

 Conditional Consent

 Partial Clearance consent

 SEB Area



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

Imagery: Google Earth March 2021

Date: 25 November 2021  
Version: 01  
Datum: GDA94



Chair, Native Vegetation Assessment Panel

Decision Date:

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