



## DECISION NOTIFICATION *Native Vegetation Regulations 2017*

**Application Number: 2021/3221/922**

**To:** District Council of Franklin Harbour  
c/- Darren Zechner  
Works Manager  
Via: [darren@franklinharbour.sa.gov.au](mailto:darren@franklinharbour.sa.gov.au)

**Date Received:** 1/9/2021  
**Date Registered:** 14/10/2021

<b>Applicant</b>	District Council of Franklin Harbour
<b>Landholder</b>	District Council of Franklin Harbour
<b>Purpose of application</b>	Clearance of native vegetation for the construction of a freshwater wetland
<b>Description of native vegetation under application</b>	0.55 ha of <i>Tecticornia</i> Low Shrubland and 0.4 ha of <i>Nitraria</i> Low Shrubland
<b>Location of the application</b>	D124864 Q102 and D124864 Q103, Hundred of Playford, CR 6253/181 and CT 6253/182

### Decision

The Native Vegetation Council has consider 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 the clearance of 0.95ha of native vegetation in the area shown on the attached Decision Plan 2021/3221/922 for the purpose of constructing a freshwater wetland.
2. **Approve** the achievement of the Significant Environmental Benefit by the use of SEB Credit that have been credited in accordance with Decision Notification 2017/3112/922 under Section 25A(1). The use of SEB points of credit subsequently reduces the available credit to 197.41 SEB points.

### 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).



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 44.88 SEB points) is to be achieved by the use of SEB credits established in accordance with Section 25A of the Act. The SEB provides 44.88 SEB points.
5. 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.
6. 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.
7. 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.
8. 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	14/2/2022 (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. Previous Native Vegetation Approval (2017\_3066\_922)**

Subsequent to approval being granted for the construction of the freshwater wetland, to resolve inconsistencies within the Decision Notice granted by the Native Vegetation Council (2017\_3066\_922), an amendment is required to alter Conditions 4 and 5.

**4. 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.

**5. 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.

**6. 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*.

**7. 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.

**8. Environment Protection and Biodiversity Conservation Act 1999**

Threatened Ecological Community *Subtropical and Temperate Coastal Saltmarsh* adjoins the subject site. Please be aware of your obligations under the *Environment Protection and Biodiversity Conservation Act 1999* prior to and during construction and throughout the operational phase of the freshwater wetland.

# 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. 2021/3221/922

HUNDRED of PLAYFORD

Plan Allotments D124864 Q102 and Q103

Certificates of Title CR6253/181 and CT6253/182

-  Conditional Consent (0.95ha)
-  Property/Section Boundary
-  Road

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

Imagery: EasternEyrePeninsula\_4Apr-1Jun2017

Date: 18/1/2022  
Version: 01  
Datum: WGS\_1984

Chair, Native Vegetation Assessment Panel

Decision Date: 14/2/2022

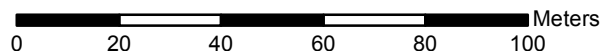


Native Vegetation Council



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**DECISION NOTIFICATION ACKNOWLEDGEMENT**

**Application Number:** 2021/3221/922

*The applicant, and all parties to the decision, have received a copy of the Decision Notification (decision date 14/2/2022) 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:** [brianna.fyffe2@sa.gov.au](mailto:brianna.fyffe2@sa.gov.au)