



DECISION NOTIFICATION *Native Vegetation Regulations 2017*

Application Number: 2022/3022/674

To:

Date Received: 7/12/2021

Date Registered: 8/2/2022

Applicant	Department for Infrastructure and Transport
Landholder	Crown – Commissioner of Highways
Purpose of application	Upgrading the Wimmera Highway to provide improved crossovers to adjoining properties
Description of native vegetation under application	178 scattered trees: <ul style="list-style-type: none">• 110 scattered <i>Eucalyptus camaldulensis</i>• 68 scattered <i>Eucalyptus leucoxylon ssp leucoxylon</i>
Location of the application	Road Reserve (Wimmera Highway)

Decision

The Native Vegetation Council has consider your application in accordance with the requirements of Regulation 12, Schedule 1; Clause 32 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 178 trees (110 scattered *Eucalyptus camaldulensis* and 68 scattered *Eucalyptus leucoxylon ssp leucoxylon*) in the area shown on the attached Decision Plans 1-3 2022/3022/674 for the purpose of upgrading Wimmera Highway.

Reason for Decision:

The clearance of native vegetation meets the requirements of Native Vegetation Regulation 12, Schedule 1; Clause 32.

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. Within 3 months of the decision date, submit a revegetation plan to the satisfaction of the Native Vegetation Council (NVC). The plan must:
 - a) incorporate revegetation adjacent the impact area for an area proportional to the clearance extent on both sides of the road within the road reserve;



- b) propose revegetation outside of any area required for sightlines, ongoing operations and future maintenance;
 - c) include a weed and pest control program for a minimum of 2 years; and
 - d) identify the timing and methodology of the revegetation to be undertaken within 12 months of clearance completion.
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. Prior to any clearance occurring, the Significant Environmental Benefit requirement (equivalent to 275.08 SEB points) is to be achieved by making a payment into the Native Vegetation Fund of \$211,535.39 (\$200,507.48 for clearance GST exclusive and \$11,027.91 for the administration fee GST inclusive).


Note: An invoice will be sent once the attached form 'Decision Notification acknowledgement' form is signed and returned.

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. A pre clearance survey is to be undertaken by a suitably qualified ecologist to determine the presence of fauna species immediately prior to commencement of vegetation clearance. The surveys should focus on checking hollows to determine the presences of native fauna. Where fauna are identified with the inability to independently relocate easily or are likely to be harmed should clearance proceed, the impacted individuals are to be relocated to suitable habitat nearby under supervision of a suitably qualified ecologist. If relocation is not possible or the relocated individuals are unlikely to survive or may experience significant harm, then clearance is to be delayed until a suitable date when relocation is not required or can occur without harming the relocated individuals.
8. 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 50cm long and if placed in trees, at optimum height (>4m) and orientation;
9. Where trees are to be pruned, pruning must be conducted in accordance with the Australian Standard for Pruning Amenity Trees (AS4373-2007). Branches or limbs are to be cut cleanly back to the nearest trunk.
10. 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.
11. 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.

12. 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.
13. 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 23 August 2022 (decision date).

Signature	
Name	Vaughan Levitzke PSM
Position	CHAIR, NATIVE VEGETATION ASSESSMENT PANEL
Date	23/08/2022 (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: 2022/3022/674

The applicant, and all parties to the decision, have received a copy of the Decision Notification (decision date 23/08/2022) 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: brianna.fyffe2@sa.gov.au

Native Vegetation Regulation Application

Regulation 12(32) - Commissioner of Highways



Government of South Australia
Department for Environment and Water

DECISION PLAN (1 of 3)

TO FORM PART OF THE DECISION OF THE NATIVE VEGETATION COUNCIL

APPLICATION NO. 2022/3022/674

HUNDRED OF JESSIE

Allotment: Road Reserve (Wimmera Highway)

Clearance consent - 106 scattered trees

Property/Section Boundary

Road

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

Imagery: SouthEast_21Jan-26Feb2019

Date: 8/4/2022
Version: 01
Datum: WGS_1984



Native Vegetation Council

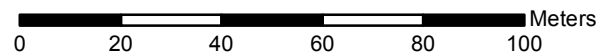
Chair, Native Vegetation Assessment Panel

Decision Date: 23/08/22



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Native Vegetation Regulation Application

Regulation 12(32) - Commissioner of Highways



Government of South Australia
Department for Environment
and Water

DECISION PLAN (2 of 3)

TO FORM PART OF THE DECISION OF THE
NATIVE VEGETATION COUNCIL

APPLICATION NO. 2022/3022/674

HUNDRED OF JESSIE

Allotment: Road Reserve (Wimmera Highway)



- Clearance consent - 59 scattered trees
- Property/Section Boundary
- Road

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

Imagery: SouthEast_21Jan-26Feb2019

Date: 8/4/2022
Version: 01
Datum: WGS_1984



Native Vegetation Council

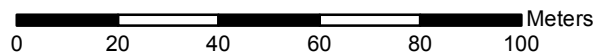
Chair, Native Vegetation Assessment Panel

Decision Date: 23/08/22



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Native Vegetation Regulation Application

Regulation 12(32) - Commissioner of Highways



Government of South Australia
Department for Environment
and Water

DECISION PLAN (3 of 3)

TO FORM PART OF THE DECISION OF THE
NATIVE VEGETATION COUNCIL

APPLICATION NO. 2022/3022/674

HUNDRED OF JESSIE

Allotment: Road Reserve (Wimmera Highway)



Clearance consent - 13 scattered trees



Property/Section Boundary



Road

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

Imagery: SouthEast_21Jan-26Feb2019

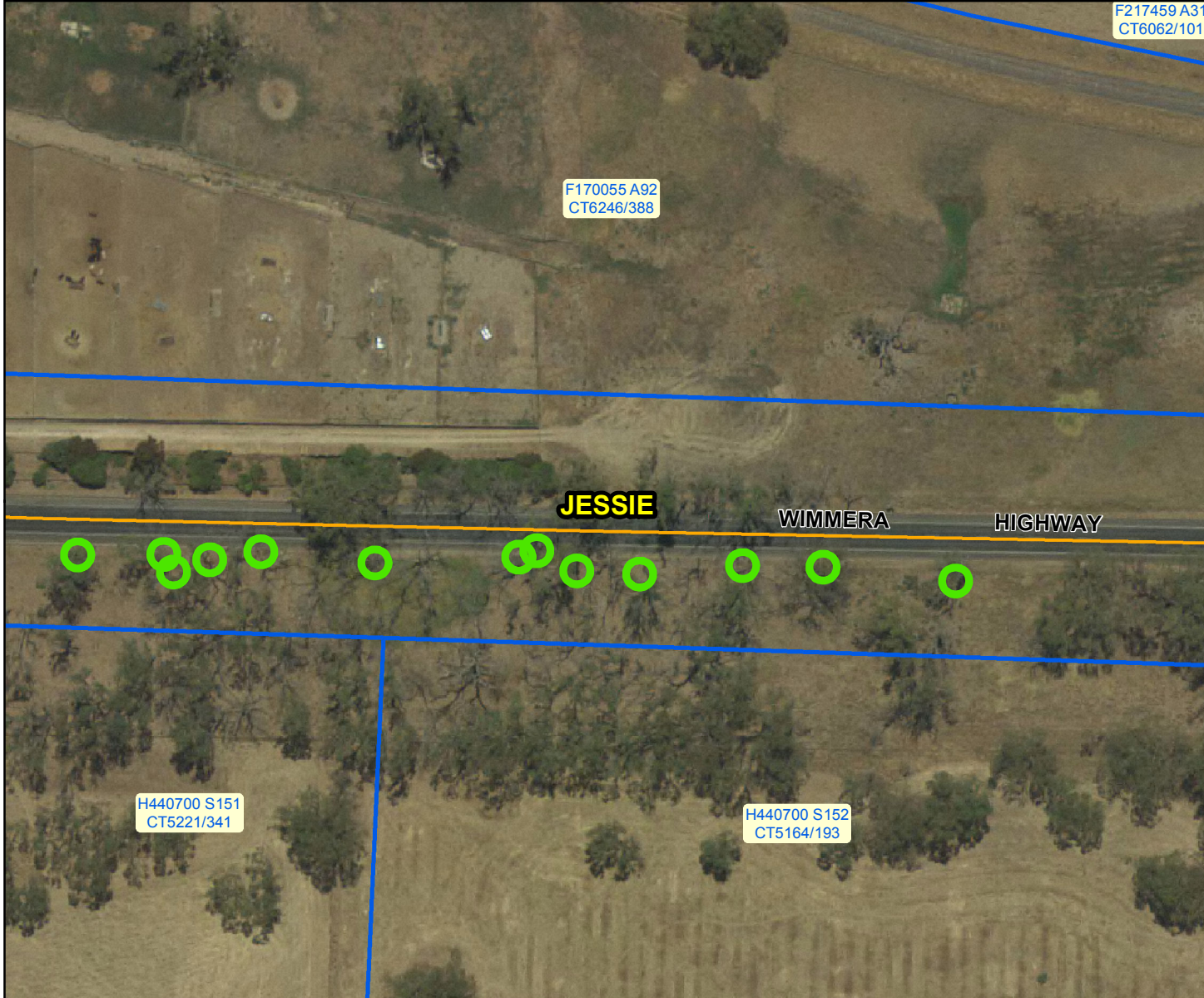
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Native Vegetation Council

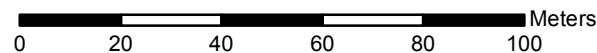
Chair, Native Vegetation Assessment Panel

Decision Date: 23/08/22



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