

Native Vegetation Clearance

Lot 7 Beach Rd and Lot 22 Sail St,
Boatswain Point

Data Report

Clearance under the *Native Vegetation Regulations 2017*

February 2023

Prepared by Peter Tucker



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1. Application information

Application Details

Application Details			
Applicant:	[REDACTED] and Howqua Investments Pty Ltd		
Key contact:			
Landowner	Lot 7	[REDACTED] and Howqua Investments Pty Ltd	
	Lot 22	Howqua Investments Pty Ltd and Boatswain Point Pty Ltd	
Site Address:	Lot 7 Beach Rd and Lot 22 Sail St Boatswain Point		
Local Government Area:	District Council of Robe	Hundred:	Waterhouse
Title ID:	CT/5981/85 CT/5936/80	Parcel ID	D73170 A22 D67090 A7

Summary of proposed clearance

Purpose of clearance	The owner seeks to clear native vegetation for the purpose of a residential subdivision.
Native Vegetation Regulation	Regulation 12, Schedule 1; clause 35, Residential Subdivision.
Description of the vegetation under application	1.508ha of Coastal Wattle (<i>Acacia longifolia</i> ssp. <i>sophorae</i>) Shrubland in poor to moderate condition.
Total proposed clearance - area (ha) and number of trees	1.508ha is proposed to be cleared.
Level of clearance	Level 4
Overlay (Planning and Design Code)	Native Vegetation Overlay



Map data is compiled from a variety of sources and hence its accuracy is variable.

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Compiled: 19-Feb-2023
Generated at: www.naturemapsgenerator.com.au
Datum: Geocentric Datum of Australia, 2020
Projection: Web Mercator (Auxiliary Sphere)



Mitigation hierarchy

Avoidance – The proposed residential land division, including roads, will utilise the entire 1.508ha. The majority of the new allotments will be approximately 900m² with the largest allotment being 1498m². Therefore, vegetation clearance is unable to be avoided.

The owners will retain six Large-fruit Blue Gum trees on the eastern and southern boundaries. However, Retention of these trees will be at the discretion of future landowners. These trees are included this vegetation clearance application.

Minimisation – During vegetation removal for the residential land division, vehicles and machinery will remain inside the land parcel boundaries and will not be permitted to enter or impact nearby native vegetation. Removed vegetation, rubbish and future building waste will be contained within the development area and removed from the location. All associated vegetative material and/or waste will be prevented from entering the adjoining native vegetation.

Rehabilitation or restoration – Rehabilitation or restoration will not be possible due to the residential land division utilising the entire 1.508ha of the land parcels.

Offset – It is proposed to offset vegetation clearance with a payment into the Native Vegetation Fund.

SEB Offset proposal

Payment of **\$43,281.18**.

2. Purpose of clearance

2.1 Description

The purpose of the vegetation clearance is for a residential subdivision to establish 17 allotments.

2.2 Background

The property was purchased in 1999 and as financial constraints and family commitments have allowed, the property has been progressively developed toward smaller coastal urban residential properties. To date development has occurred over three stages with the current proposal representing the final 4th and 5th stages of the total project. The current land division plan refers to the area subject of this data report as stages one and two. Prior to the land purchase the property was used for agricultural grazing.

During 2007 the owners in collaboration with the eastern neighbour (██████████) applied for an Envirofund grant *Seeding of windbreak at Boatswain Point, SA* to revegetate 373m along the fence line of the neighbour's western boundary. Ultimately, this grant was unsuccessful. However, the owners, at their own cost, proceeded with the revegetation project on ██████████ land. ██████████ agreed to provide the land for revegetation and to the construction of a new fence line 5m inside his property boundary to protect the revegetation from stock. After a site inspection on 1 June 2007, ██████████ undertook the revegetation using local native species later that year.



Figure 1. 2003 image of Boatswain Point prior to revegetation.



Figure 2. Image of Boatswain Point today with the owner's revegetation visible.

The site is subject to ongoing disturbance with evidence of historical and very recent rubbish dumping. Most of the recent dumping is comprised of various garden waste, from lawn clippings to large volumes of shrub prunings. The site is also subject to recreational activities, likely by children, where a long tunnel has been cut through the vegetation and general vegetation damage was observed at the tunnel's end.

Surrounding land use is a mixture of small coastal urban residential properties, dryland pasture, irrigation and native vegetation fringing the coastline. Guichen Bay Conservation Park is located approximately one kilometre to the south east and Heritage Agreements HA1539 11 kilometres to the east and HA1205 12 kilometres to the north east. Baudin Rocks Conservation Park is located 2.4km to the south west (off shore).

2.3 General location map



Figure 3. Site map of vegetation included in this application. Site A1 defined by yellow polygons.



Figure 4. Location map surrounding land use. Yellow circle defines Site A1, green polygons are Conservation Parks and blue polygon is Marine Park.

2.4 Details of the proposal

The proposal is to clear 1.508ha of native vegetation for a residential land division containing 17 urban coastal properties and includes provision for a new road to access the allotments. The residential subdivision includes the entirety of the land parcels.

The site contains six Large-fruit Blue Gum (*Eucalyptus leucoxylon* ssp. *megalocarpa*) which occur on the eastern (4) and southern (2) boundary in close proximity to the property boundary. If approved, the owners will not remove these trees, but understand they must be included in this clearance application because the future land parcels will be less than 2000m². Retention of these trees will be at the discretion of future landowners.

Native vegetation on the land parcel is in poor to moderate condition with evidence of historic and ongoing garden waste dumping.

The Proposed Land Division Plan is included in the Appendices.

2.5 Approvals required or obtained

Native Vegetation Act 1991.

This application addresses the approval process required under the Native Vegetation Act 1991. There have been no previous clearance applications on this land parcels and no future clearance applications will be made due to this application being for the entirety of the land parcels.

Planning, Development and Infrastructure Act 2016.

Planning development application 822/D02/03 was approved in 2003 for subdivision which land included Lots 7 and 22. The first three stages were completed between 2002 and about 2010. The current subdivision is the final stage of the original subdivision.

Environment Protection and Biodiversity Conservation Act 1999

The Environment Protection and Biodiversity Conservation Act 1999 is addressed in this application.

National Parks and Wildlife Act 1972

The National Parks and Wildlife Act 1972 is addressed in this application.

2.6 Native Vegetation Regulation

Vegetation clearance approval is sought under Regulation 12 (35) – Residential Subdivision.

2.7 Development Application information (if applicable)

Overlay: Native vegetation

Zone: Rural Settlement

3. Method

3.1 Flora assessment

Prior to site inspection a desktop assessment was conducted using NatureMaps, Atlas of Living Australia and an EPBC Protected Matters Search to determine possible presence of plant species listed under the EPBC Act 1999 or NP&W Act 1972. A radius of five kilometres around the site was used for the desktop search.

The property was inspected on 20 January 2023 using the methods outlined in the Native Vegetation Council Bushland Assessment Manual (July 2020). The survey required 2 hr to complete.

3.2 Fauna assessment

Prior to site inspection a desktop assessment was conducted on NatureMaps, Atlas of Living Australia and an EPBC Protected Matters Search to determine possible presence of fauna species listed under the EPBC Act 1999 or NP&W 1972 Act. A radius of five kilometres around the sites was used for the desktop searches. In addition, a search of birds likely to use vegetation within the Beachport IBRA Environmental Association was undertaken (Source: G. Carpenter, Biodiversity Assessment Section, Department of Water, Land and Biodiversity Conservation).

The site was surveyed for fauna on 20 January 2023, which included walking the site searching for the presence of potential threatened fauna species or evidence of their recent presence, such as scats and tracks. The survey was conducted concurrently with the flora assessment.

All fauna captured in the desktop fauna assessments that could potentially use the site for habitat have been included in the NVC Scattered Tree Scoresheets (attached). Fauna species unlikely to use vegetation for habitat were excluded as per agreement with the Native Vegetation Management Branch (email 15/2/2023).

4. Assessment Outcomes

4.1 Vegetation Assessment

General description of the vegetation, the site and matters of significance

The site contains sandy soil and is flat, being located inland of vegetated small foredunes. The site is made up of one larger patch (590m²) of native vegetation and several small patches separated by mown exotic grasses and herbs. Revegetation undertaken in 2007 occurs along the length of the eastern boundary within the neighbour’s property.

The vegetation comprised one association;

- 1. Coastal Wattle (*Acacia longifolia ssp. sophorae*) Shrubland in poor to moderate condition.

Surrounding land use is a mixture of small coastal urban blocks, dryland pasture, irrigation and native vegetation fringing the coastline. Guichen Bay Conservation Park is located approximately one kilometre to the south east and Heritage Agreements HA1539 11 kilometres to the east and HA1205 12 kilometres to the north east. Baudin Rocks Conservation Park is located 2.4km to the south west (off shore).

Details of the vegetation associates/scattered trees proposed to be impacted

Vegetation Association A1	Coastal Wattle (<i>Acacia longifolia ssp. sophorae</i>) Shrubland
	
<p>Figure 5. Presentative photograph of Site A1 looking to the west, GPS 388642 5896221. Ground layer is dominated by False Caper and annual grasses.</p>	



Figure 6. Recently dumped garden waste within Site A1.



Figure 7. Recent 'machete' damage to various vegetation and further rubbish dumping at the end of a tunnel into Site A1, GPS 388687 5896216.

General description	Coastal Wattle is the dominant native species on Site A1 with occasional examples of other shrub species such as Coast Beard-heath (<i>Leucopogon parviflorus</i>) and Coast Daisy-bush (<i>Olearia axillaris</i>). Two Eucalypts were present; Coastal White Mallee (<i>Eucalyptus diversifolia</i>)
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	<p>ssp. <i>diversifolia</i>) and Large-fruit Blue Gum (<i>Eucalyptus leucoxylon</i> ssp. <i>megalocarpa</i>) SA Rare. Native understory species were scarce, patchily distributed and limited to robust species such as Knobby Club-rush (<i>Ficinia nodosa</i>), Sea-berry Saltbush (<i>Rhagodia candolleana</i> ssp. <i>candolleana</i>) and Bower Spinach (<i>Tetragonia implexicoma</i>). No native grasses or herbaceous species were observed. In total nine native plant species were recorded within the assessment site, plus Large-fruit Blue Gum observed outside the assessment area, but within Site A1.</p> <p>Exotic plants dominated the ground layer with the most abundant being Kikuyu (<i>Cenchrus clandestinum</i>), Annual Veldt Grass (<i>Ehrharta longiflora</i>) and False Caper (<i>Euphorbia terracina</i>). Evidence of regular disturbance included many examples of dumping including general refuse and garden waste, historical and very recent, and general vegetation damage buy use of machete-type implements to 'hack' tunnels into the vegetation and general vegetation destruction.</p> <p>Dumped garden waste included species of bushland weeds including Italian Buckthorn (<i>Rhamnus alaternus</i>), Bracelet Honey-myrtle (<i>Melaleuca armillaris</i> ssp. <i>armillaris</i>), Showy Honey-myrtle (<i>Melaleuca nesophila</i>) and lawn clippings. Open areas around the site are regularly mown.</p> <p>Overall, vegetation condition is poor to moderate.</p>				
Threatened species or community	<p>Large-fruit Blue Gum is listed as Rare (NPW Act 1972).</p> <p>No threatened fauna (EPBC Act 1999, or NPW Act 1972) were observed during the assessment.</p>				
Landscape context score	1.08	Vegetation Condition Score	27.09	Conservation significance score	1.10
Unit biodiversity Score	32.18	Area (ha)	1.508	Total biodiversity Score	48.53

Site map showing areas of proposed impact



Figure 8. Site impact map highlighting proposed vegetation clearance (yellow polygons) in this application.

4.2 Threatened Species assessment

Species observed on site, or recorded within 5km of the application area since 1995, or the vegetation is considered to provide suitable habitat

Species (common name)	NP&W Act	EPBC Act	Data source	Date of last record	Species known habitat preferences	Likelihood of use for habitat – Comments
Beautiful Firetail (<i>Stagonopleura bella interposita</i>)	R		6		Swampy grass areas in coastal dry forest, shrubby heath, tea tree scrub close to water.	Possible. Suitable habitat present on site. No recent records.
Brown Quail (<i>Coturnix ypsilophora australis</i>)	V		2, 3	2001	The Brown Quail prefers dense grasslands, often on the edges of open forests, and bracken.	Possible. Suitable habitat on site despite disturbance.
Rufous Bristlebird (<i>Dasyornis broadbenti broadbenti</i>)	R		2	2014	Dense shrubland usually with a high diversity of plant species.	Likely. Suitable habitat on site.
White-lipped Snake (<i>Drysdalia coronoides</i>)	R				Most areas, including heaths, sclerophyll forests and woodlands.	Possible – suitable habitat, but no recent records.
Source; 1- BDBSA, 2 - AoLA, 3 – NatueMaps 4 – Observed/recorded in the field, 5 - Protected matters search tool, 6 – others NP&W Act; E= Endangered, V = Vulnerable, R= Rare EPBC Act; Ex = Extinct, CR = Critically endangered, EN = Endangered; VU = Vulnerable						

Criteria for the likelihood of occurrence of species within the Study area.

Likelihood	Criteria
Highly Likely/Known	Recorded in the last 10 years, the species does not have highly specific niche requirements, the habitat is present and falls within the known range of the species distribution or; The species was recorded as part of field surveys.
Likely	Recorded within the previous 20 years, the area falls within the known distribution of the species and the area provides habitat or feeding resources for the species.
Possible	Recorded within the previous 20 years, the area falls inside the known distribution of the species, but the area provide limited habitat or feeding resources for the species. Recorded within 20 -40 years, survey effort is considered adequate, habitat and feeding resources present, and species of similar habitat needs have been recorded in the area.
Unlikely	Recorded within the previous 20 years, but the area provide no habitat or feeding resources for the species, including perching, roosting or nesting opportunities, corridor for movement or shelter. Recorded within 20 -40 years; however, suitable habitat does not occur, and species of similar habitat requirements have not been recorded in the area. No records despite adequate survey effort.

4.3 Cumulative impact

When exercising a power or making a decision under Division 5 of the Native Vegetation Regulations 2017, the NVC must consider the potential cumulative impact, both direct and indirect, that is reasonably likely to result from a proposed clearance activity.

Direct Impacts

This clearance application is for a residential subdivision and access road that will utilise the entire 1.508ha of the land parcels. Six Large-fruit Blue Gums will be retained after subdivision is completed. Retention of these trees will be at the discretion of future landowners, but have been included in this vegetation clearance application. Native vegetation adjoining the southern boundary of Lot 7 will not be impacted.

Indirect Impacts

No additional indirect impacts are envisioned. Impacts from land division will be contained within the 1.508ha.

Cumulative Impacts

Dust and noise may increase once future houses are built, but is expected to cease once completed.

4.4 Address the Mitigation Hierarchy

When exercising a power or making a decision under Division 5 of the Native Vegetation Regulations 2017, the NVC must have regard to the mitigation hierarchy. The NVC will also consider, with the aim to minimize, impacts on biological diversity, soil, water and other natural resources, threatened species or ecological communities under the EPBC Act or listed species under the NP&W Act.

a) **Avoidance – outline measures taken to avoid clearance of native vegetation**

The proposed residential land division, including roads, will utilise the entire 1.508ha. The majority of the new allotments will be approximately 900m² with the largest allotment being 1498m². Therefore, vegetation clearance is unable to be avoided.

The owners will retain six Large-fruit Blue Gum trees on the eastern and southern boundaries. However, Retention of these trees will be at the discretion of future landowners. These trees are included this vegetation clearance application.

b) **Minimization – if clearance cannot be avoided, outline measures taken to minimize the extent, duration and intensity of impacts of the clearance on biodiversity to the fullest possible extent (whether the impact is direct, indirect or cumulative).**

During vegetation removal for the residential land division, vehicles and machinery will remain inside the land parcel boundaries and will not be permitted to enter or impact nearby native vegetation. Removed vegetation, rubbish and future building waste will be contained within the development area and removed from the location. All associated vegetative material and/or waste will be prevented from entering the adjoining native vegetation.

c) **Rehabilitation or restoration – outline measures taken to rehabilitate ecosystems that have been degraded, and to restore ecosystems that have been degraded, or destroyed by the impact of clearance that cannot be avoided or further minimized, such as allowing for the re-establishment of the vegetation.**

Rehabilitation or restoration will not be possible. The whole of the site will be encompassed with permanent housing and infrastructure with no available areas for rehabilitation or restoration to occur.

d) **Offset – any adverse impact on native vegetation that cannot be avoided or further minimized should be offset by the achievement of a significant environmental benefit that outweighs that impact.**

The NVC will only consider an offset once avoidance, minimization and restoration have been documented and fulfilled. The SEB Policy explains the biodiversity offsetting principles that must be met.

It is proposed to offset vegetation clearance with a payment into the Native Vegetation Fund.

4.5 Principles of Clearance (Schedule 1, *Native Vegetation Act 1991*)

The Native Vegetation Council will consider Principles 1(b), 1(c) and 1(d) when assigning a level of Risk under Regulation 16 of the Native Vegetation Regulations. The Native Vegetation Council will consider all the Principles of clearance of the Act as relevant, when considering an application referred under the *Planning, Development and Infrastructure Act 2016*.

Principle of clearance	Considerations						
Principle 1a - it comprises a high level of diversity of plant species	<u>Relevant information</u> The number of plant species recorded for each vegetation association <table><tr><td></td><td>Native Species</td><td>Introduced Species</td></tr><tr><td>Site A1</td><td>9</td><td>15</td></tr></table> Bushland Plant Diversity Score Site A1 – 12		Native Species	Introduced Species	Site A1	9	15
		Native Species	Introduced Species				
	Site A1	9	15				
<u>Assessment against the principles</u> At Variance							
	<u>Moderating factors that may be considered by the NVC</u> The proposed vegetation clearance represents a very small area compared to the amount of remnant native vegetation within a 5km radius of the site. Native vegetation covers 10% of the surrounding area (5km radius), which equates to 785 hectares. The proposed clearance of 1.508ha represents 0.192% of native vegetation within the local vicinity.						
Principle 1b - significance as a habitat for wildlife	<u>Relevant information</u> No threatened fauna, nor signs of threatened fauna were observed during the site assessment. The vegetation is in poor to moderate condition is subject to ongoing human disturbance and open areas around Site A1 are regularly mown. Site A1 is located between cleared farmland, coastal urban development and a narrow band of coastal vegetation. The following four threatened fauna species were identified from a desktop survey that could potentially use the area for habitat; <ul style="list-style-type: none">• Beautiful Firetail (State R);• Brown Quail (V);• Rufous Bristlebird (State R); and• White-lipped Snake. <table><tr><td></td><td>Threatened Fauna Score</td><td>Unit Biodiversity Score</td></tr><tr><td>Site A1</td><td>0.06</td><td>32.18</td></tr></table>		Threatened Fauna Score	Unit Biodiversity Score	Site A1	0.06	32.18
		Threatened Fauna Score	Unit Biodiversity Score				
	Site A1	0.06	32.18				
<u>Assessment against the principles</u> Seriously at Variance Site A1 - Coastal Wattle (<i>Acacia longifolia ssp. sophorae</i>) Shrubland							
	<u>Moderating factors that may be considered by the NVC</u> <u>Significant Impact</u> The proposed vegetation clearance does not meet any of the criteria of a significant impact on the listed threatened species. <u>Non-essential Habitat</u>						

	<p>Sites A1 is in poor to moderate condition of low habitat quality and subject to regular disturbance. While threatened species may use Site A1, it is small and large areas of higher quality vegetation exist nearby.</p>
<p>Principle 1c - plants of a rare, vulnerable or endangered species</p>	<p><u>Relevant information</u></p> <p>One threatened flora species was recorded on Site A1 outside of the assessment area;</p> <ul style="list-style-type: none"> Large-fruit Blue Gum (<i>Eucalyptus leucoxylon</i> ssp. <i>megalocarpa</i>) (SA R). <p>This tree was located on the eastern boundary occurring as four scattered trees plus two trees on the southern boundary.</p> <p>An adjoining council reserve on the northern boundary is lined with planted specimens of the same tree subspecies.</p> <p>Threatened Flora Score Site A1 – 0.04</p>
	<p><u>Assessment against the principles</u></p> <p>At Variance</p>
	<p><u>Moderating factors that may be considered by the NVC</u></p> <p><i>Impact significance</i></p> <p>The proposed clearance does not meet any of the criteria of a significant impact on Large-fruit Blue Gum.</p>
<p>Principle 1d - the vegetation comprises the whole or part of a plant community that is Rare, Vulnerable or endangered:</p>	<p><u>Relevant information</u></p> <p>No EPBC listed or State threatened ecosystems occur on Site A1.</p> <p>Threatened Community Score Site A1 – 1.0</p>
	<p><u>Assessment against the principles</u></p> <p>Not at Variance</p>
	<p><u>Moderating factors that may be considered by the NVC</u></p> <p>Not Applicable</p>
<p>Principle 1e - it is significant as a remnant of vegetation in an area which has been extensively cleared.</p>	<p><u>Relevant information</u></p> <p>Site A1 is in poor to moderate condition and regularly impacted by rubbish and garden waste dumping, plus damage via use of machete-type implements. Vegetation would likely persist into the future due most plants being long lived woody species, but is likely to degrade further due to the ongoing dumping and damage.</p> <p>Remnancy; IBRA Association Beachport – 43% IBRA Subregion Bridgewater – 14%</p> <p>Total Biodiversity Score Site A1 – 48.53</p>
	<p><u>Assessment against the principles</u></p> <p>At Variance</p>
	<p><u>Moderating factors that may be considered by the NVC</u></p> <p>N/A</p>

Principle 1f - it is growing in, or in association with, a wetland environment.	<u>Relevant information</u> The proposed clearance area is not associated with a wetland. The closest wetland occurs 181m to the north east of Site A1 (S0108790 Environmental Value Assessment: Low).
	<u>Assessment against the principles</u> Not at Variance
	<u>Moderating factors that may be considered by the NVC</u> Not Applicable
Principle 1g - it contributes significantly to the amenity of the area in which it is growing or is situated.	<u>Relevant information</u> The proposed vegetation clearance is located within a locality zoned Rural Settlement and is being developed to urban coastal residential blocks. While a beach is nearby, Boatswain Point is not generally not considered a tourist area, but frequented by local landowners. The proposed land division is unlikely to affect the landscape character.
	N/A
	<u>Moderating factors that may be considered by the NVC</u> N/A

[Principles of Clearance](#) (h-m) will be considered by comments provided by the local NRM Board or relevant Minister. The Data Report should contain information on these principles where relevant and where sufficient information or expertise is available.

4.6 Risk Assessment

Determine the level of risk associated with the application

Total clearance	No. of trees	N/A
	Area (ha)	1.508
	Total biodiversity Score	48.53
Seriously at variance with principle 1(b), 1(c) or 1 (d)		1(b)
Risk assessment outcome		Level 4

5. Clearance summary

Clearance Area(s) Summary table

Block	Site	Species diversity score	Threatened Ecological community Score	Threatened plant score	Threatened fauna score	UBS	Area (ha)	Total Biodiversity score	Loss factor	Loadings	Reductions	SEB Points required	SEB payment	Admin Fee
A	1	12	1	0.04	0.1	32.18	1.508	48.53	1			50.95	\$41,024.82	\$2,256.37
						Total	1.508	48.53				50.95	\$41,024.82	\$2,256.37

Totals summary table

	Total Biodiversity score	Total SEB points required	SEB Payment	Admin Fee	Total Payment
Application	48.53	50.95	\$41,024.82	\$2,256.37	\$43,281.18

Economies of Scale Factor	0.5
Rainfall (mm)	602

6. Significant Environmental Benefit

A Significant Environmental Benefit (SEB) is required for approval to clear under Division 5 of the *Native Vegetation Regulations 2017*. The NVC must be satisfied that as a result of the loss of vegetation from the clearance that an SEB will result in a positive impact on the environment that is over and above the negative impact of the clearance.

ACHIEVING AN SEB

Indicate how the SEB will be achieved by ticking the appropriate box and providing the associated information:

☒ Pay into the Native Vegetation Fund.

PAYMENT SEB

If a proponent proposes to achieve the SEB by paying into the Native Vegetation Fund, summary information must be provided on the amount required to be paid and the manner of payment:

The owner proposes to achieve the required SEB by paying into the Native Vegetation Fund. Based on requirements to achieve **50.95 SEB points** within the Limestone Coast Landscape Board (**Economies of Scale 0.5**) and an average rainfall of **602mm**, based on data obtained from NatureMaps, the required payment into the fund is \$41,024.82 (GST exclusive), plus \$2,256.37 Administration Fee (GST inclusive): total **\$43,281.18**.

7. Appendices

Appendix 1. Bushland Assessment Scoresheet associated with the proposed clearance (to be submitted in Excel format)

Appendix 2. Land Division Plan