

# 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](mailto:nvc@sa.gov.au)



## DECISION NOTIFICATION *Native Vegetation Regulations 2017*

**Application Number: 2023/3104/580**

To: Attention: [REDACTED]  
[REDACTED]  
Lanser  
89-92 South Terrace  
Adelaide SA 5000  
Mobile: [REDACTED] Email: [REDACTED]

Date Received: 17/04/2023  
Date Registered: 31/05/2023

Applicant	Lanser
Landholder	Lanser
Purpose of application	Clearance is required for the construction of a footpath and track entry point as part of the Clover Park subdivision development at Mount Barker.
Description of native vegetation under application	30 x <i>Eucalyptus camaldulensis</i> var. <i>camaldulensis</i> (River Red Gum) trees. Most of the trees are immature.
Location of the application	Local Government Area: District Council of Mount Barker Hundred of Macclesfield D130400 A1021 CT6275/148 Location: 269 Flaxley Road, Mount Barker – on the north side of Heysen Boulevard between Lilac Parade and Kachina Drive.

### Decision

The Native Vegetation Council has considered your application in accordance with the requirements of Regulation 12, Schedule 1; Clause 35 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 30 scattered trees in the area shown on the attached Decision Plan 2023/3104/580 required for the construction of a footpath and track entry point as part of the Clover Park subdivision development at Mount Barker.

### Reason for Decision:

The clearance of native vegetation meets the requirements of Native Vegetation Regulation 12, Schedule 1; Clause 35.



Government  
of South Australia

## Conditions of approval


This approval is subject to the conditions specified below have been imposed to ensure that the impacts on native vegetation and biodiversity from approved clearance is adequately minimised and mitigated:

1. No clearance to occur until Development Approval has been obtained under the *Planning, Development and Infrastructure Act 2016* for the development.  
*\*It is noted that Development Approval (580/D063/16) was granted approval on 11/07/2017 for residential development.*
2. Clearance to be confined to the 30 scattered trees as shown on the attached Decision Plan 2023/3104/580 and in the submitted Data Report: *Native Vegetation Clearance, Clover Park Scattered Trees Footpath and Track Entrance*, prepared by Marcus Cooling, dated 07/07/23;
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. 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. The Significant Environmental Benefit requirement (equivalent to 14.45 SEB points) is to be achieved by making a payment of \$15,578.53 (\$14,766.38 – GST exclusive - for clearance and \$812.15 for administration – GST inclusive) to the Native Vegetation Fund, and is to be made within one month of invoice date. (Note the invoice will be sent once the attached form 'Decision Notification acknowledgement' is signed and returned);
8. 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;
9. 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;
10. 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;

11. 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	Adam Schutz
Position	<b>DELEGATE TO NATIVE VEGETATION COUNCIL</b>
Date	7/06/2023 (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:** 2023/3104/580

[REDACTED]

[REDACTED]

Lanser

Footpath & track entry point

located at Rd

Mount Barker SA 5251 & road reserve

*The applicant, and all parties to the decision, have received a copy of the Decision Notification (decision date 7/06/2022) 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:** sharon.gillam@sa.gov.au



## Native Vegetation Clearance Application Clover Park footpath & track entrance



Government of South Australia  
Department for Environment  
and Water




### DECISION PLAN

TO FORM PART OF THE DECISION OF THE  
NATIVE VEGETATION COUNCIL

APPLICATION NO. 2023/3104/580

HUNDRED of MACCLESFIELD

Parcel & Title:  
D130400 A1021 CT6275/148

-  Conditional Consent  
(30 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: 07/06/2023  
Version: 02  
Datum: GDA2020

NVO: SG



Delegate, Native Vegetation Council

Decision Date: 7/6/2023



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Scale: 1:1300

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