



## DECISION NOTIFICATION - VARIATION

### *Native Vegetation Regulations 2017*

**Application Number: 2023/3058/922**

**To:** District Council of Franklin Harbour  
**Attention:** [REDACTED]  
[REDACTED]  
PO Box 71  
COWELL SA 5602

**Date Received:** 12/01/2023  
**Date Registered:** 23/03/2023

<b>Applicant</b>	[REDACTED]
<b>Landholder</b>	District Council of Franklin Harbour
<b>Purpose of application</b>	Clearance required for a residential subdivision comprising 37 allotments and associated infrastructure at Farr Street Cowell.
<b>Description of native vegetation under application</b>	<b>5.68 ha</b> of native vegetation comprising <ul style="list-style-type: none"><li><b>4.43 ha</b> of <i>Atriplex paludosa ssp. cordata</i>, <i>Cratystylis conocephala</i> Shrubland with emergent <i>Myoporum platycarpum ssp.</i> and <i>Eucalyptus gracilis</i> in good condition.</li><li><b>1.25 ha</b> of <i>Tecticornia pergranulata ssp. pergranulata</i>, <i>Tecticornia halocnemoides ssp. halocnemoides</i> Low Shrubland in good to excellent condition.</li></ul>
<b>Location of the application</b>	District Council of Franklin Harbour Hundred of Playford F178519 A107 CT5284/626 <b>Location:</b> Farr Street, Cowell SA (Lot 107 Esplanade, Cowell SA 5602)

### 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:

- Consents** to the clearance of 5.68 ha of native vegetation in the area shown on the attached Decision Plan (1 of 2) 2023/3058/922 for the purpose specified in this decision.
- Credits the applicant, in accordance with Section 25A(1)(c) of the Act, with achieving an environmental benefit that is in excess of any requirement under the Act. This provides 193.29 SEB Points of Credit.

### Reason for Decision:

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



### 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. No clearance to occur until Development Approval has been obtained under the *Planning, Development and Infrastructure Act 2016* (including Building Rules Consent where required).
2. Clearance to be confined to the 5.68 ha native vegetation as shown on the attached Decision Plan (1 of 2) 2023/3058/922, and in the submitted report: *Native Vegetation Clearance Data Report, Residential Subdivision Farr Street, Cowell*, prepared by Matt Launer, dated 04/11/2022;
3. 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.
4. The Lot 107 SEB Area (CT5804/626) must be managed in accordance with a Native Vegetation Management Plan, which is to be submitted within 3 months of the decision date and must be to the satisfaction of the Native Vegetation Council.
5. The Significant Environmental Benefit requirement (equivalent to 319.70 SEB points) has been achieved, in accordance with Section 25A of the *Native Vegetation Act 1991*, by deducting SEB points of credit from Lot 107 SEB Area (upon meeting condition 5.) and Lot 283 SEB Area (2017/3045/922) (Decision Plan 2 of 2).


*\*Note: The SEB credit currently available under Section 25A(1)(a) of the Act is 193.29 SEB points of credit, which will be available for future applications to clear native vegetation or the assignment of credit under Section 25B of the Act, subject to Native Vegetation Council Policy in place at the time.*

6. The applicant is to manage the set aside areas in accordance with the SEB management plans for Lot 283 (2017/3045/922) and Lot 107, to permanently maintain that land for the purpose of growth of native vegetation and management of environmental threats and degrading processes. The SEB management minimum requirements include:
  - a. permanent exclusion of stock. Stock grazing may be permitted on occasions, but only if grazing is required for the sole purpose of ecological management and undertaken in accordance with an approved management plan;
  - b. where required, erect and maintain fences and gates in good stock proof condition at all times. Fencing to be completed prior to undertaking the clearance. (Note: Where the adjoining land is to be kept free of stock, no fencing is required unless grazing of the adjacent land is proposed);
  - c. undertaking an effective and ongoing weed and rabbit control program within the set-aside area to ensure the successful regeneration of native vegetation in the area;
  - d. not to erect, place or permit any structure or dwelling to be placed on the SEB area, other than approved signs;
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. 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.

9. 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.
10. 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	Chair, Native Vegetation Assessment Panel
Decision date	14/04/2023

### 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 - VARIATION**

**Application Number:** 2023/3058/922      **District Council of Franklin Harbour**  
**Attention:** [REDACTED]  
**Farr Street, Cowell**  
**Residential Subdivision**

*The applicant, and all parties to the decision, have received a copy of the Decision Notification Variation (dated 14/04/2023) 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**

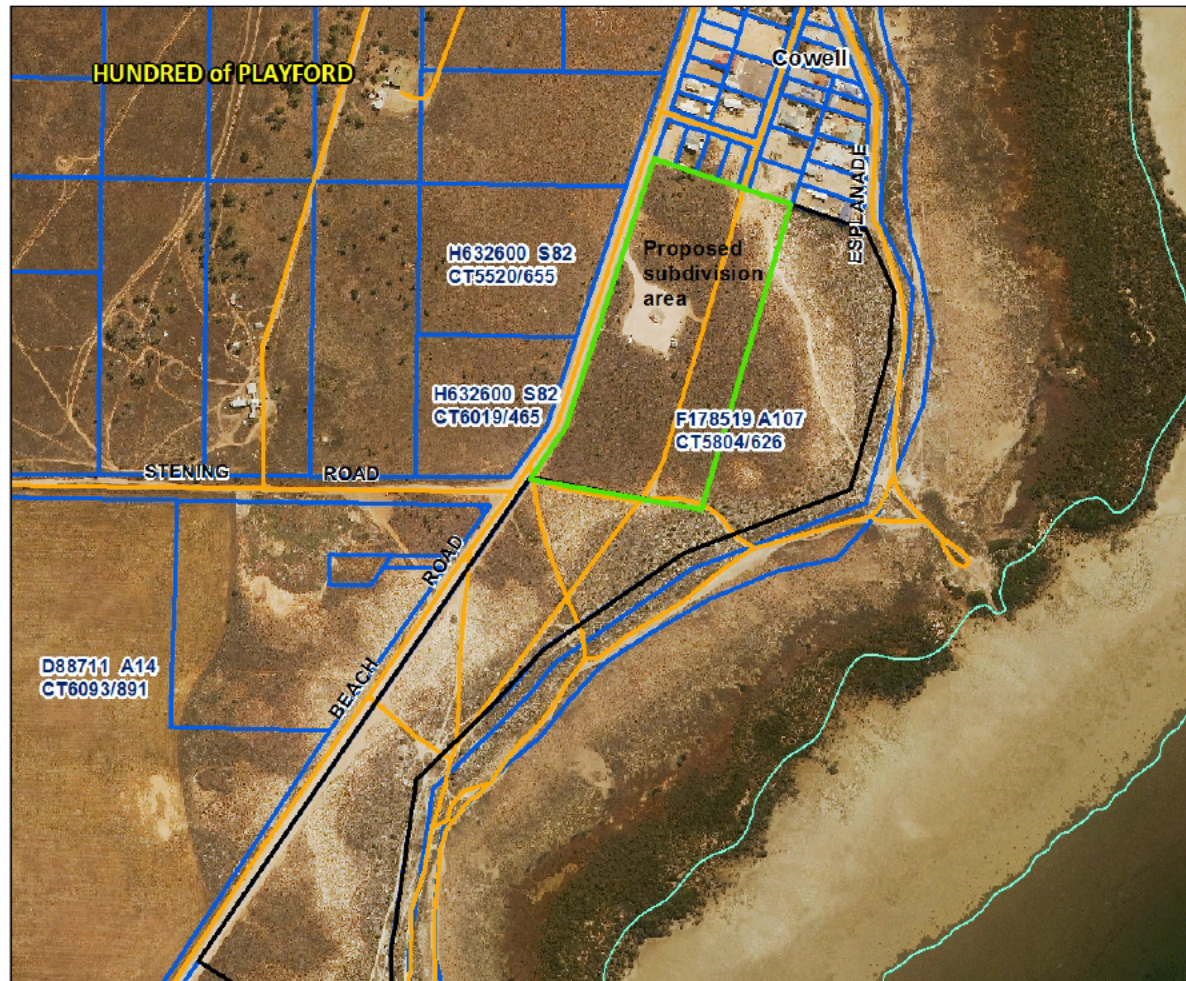
**Email:**      [sharon.gillam@sa.gov.au](mailto:sharon.gillam@sa.gov.au)



## Native Vegetation Clearance Application District Council of Franklin Harbour - Farr Street subdivision



Government of South Australia  
Department for Environment  
and Water



### DECISION PLAN (1 of 2)

TO FORM PART OF THE DECISION OF THE  
NATIVE VEGETATION COUNCIL

APPLICATION NO. 2023/3058/922

HUNDRED of PLAYFORD

Parcel & Title:  
F178519 A107 CT5804/626

- Conditional Consent (5.68 ha)
- SEB Area
- Property/Section Boundary
- Road

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

Imagery: Latest\_Imagery\_ImageMapSA

Date: 12/04/2023  
Version: 01  
Datum: GDA2020

NVO: SG



Vaughan Levitzke PSM  
Chair, Native Vegetation Assessment Panel

Decision Date: 14/04/2023

42

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# Native Vegetation Clearance Application District Council of Franklin Harbour - On-ground SEBs Lot 107 & Lot 283



Government of South Australia  
Department for Environment  
and Water

## DECISION PLAN (2 of 2)

TO FORM PART OF THE DECISION OF THE  
NATIVE VEGETATION COUNCIL

APPLICATION NO. 2023/3058/922

HUNDRED of PLAYFORD

Parcel & Title:  
F178519 A107 CT5804/626  
D2578 A283 CT6141/952

 SEB Offset Area

 Road

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

Imagery: Latest\_Imagery\_ImageMapSA

Date: 12/04/2023  
Version: 01  
Datum: GDA2020

NVO: SG



Vaughan Levitzke PSM  
Chair, Native Vegetation Assessment Panel

Decision Date: 14/04/2023



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