

Native Vegetation Council

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DECISION NOTIFICATION Native Vegetation Regulations 2017

Application Number: 2021/3023/520 V3

To:

SA Water
250 Victoria Square
ADELAIDE SA 5000

Date Received: 21/12/2020

Date Registered: 02/02/2021

Amendment Received: 17/01/2022

Amendment Received: 06/12/2022

Applicant	SA Water
Landholder	Commissioner of Highways (Department for Infrastructure and Transport)
Purpose of application	Clearance required to construct a pipeline to augment the security and distribution of water supply on Kangaroo Island.
Description of native vegetation under application	<p>0.9759 ha of native vegetation across 44 sites and 20 vegetation associations. This clearance refers to the Stage 1 area, which commences 12 km south of Kingscote at the junction of Arranmore Rd and the Playford Hwy, along Hog Bay Rd past the township of Nepean Bay to the southern edge of Pelican Lagoon, at 3222 Hog Bay Rd.</p> <p>It is proposed to clear vegetation from 44 sites representing 20 plant communities. Refer to details in Data Report <i>Native vegetation clearance, Kangaroo Island Pipeline Stage 1, prepared by Renate Faast and Marcus Cooling, dated 3 December 2022.</i></p> <p>*Note a total of 1.5674 ha (0.9759 ha Stage 1, 0.5915 ha Stage 2) was approved in January 2022, across a number of plant associations. See Data Report prepared by Marcus Cooling dated 17/12/20.</p>
Location of the application	<p>Local Government Area: Kangaroo Island Council</p> <p>Parcel ID/Title ID: n/a - road reserve.</p> <p>Hundred of Dudley</p> <p>The pipeline is planned in two stages. Stage 1 extends from the Middle River water main on Playford Highway near Kangaroo Island Airport along Arranmore Road and Hog Bay Road to Pelican Lagoon. Stage 2 extends from Pelican Lagoon along Hog Bay Road to reach the desalination plant water storage at Charing Cross Road, Kangaroo Head. Stage 2 has been completed.</p>

Decision

The Native Vegetation Council has considered 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:



Government
of South Australia

1. **Grants consent** to the clearance of 0.98 ha native roadside vegetation in the area shown on the attached Decision Plans 2021/3023/520 V3 (for Stage 1) for the purpose of constructing a new pipeline (in 2 Stages) to connect the Middle River and Penneshaw water supply systems on Kangaroo Island. Stage 1 extends from Playford Highway near Kangaroo Island Airport along Arranmore Road and Hog Bay Road to Pelican Lagoon. Stage 2 extends from Pelican Lagoon along Hog Bay Road to reach the desalination plant water storage at Charing Cross Road, Kangaroo Head.

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 have been imposed to ensure that the impacts on native vegetation and biodiversity from approved clearance is adequately minimised and mitigated:

1. Clearance to be confined to the 0.98 ha native roadside vegetation as shown on the attached Decision Plan 2021/3023/520 V3, and in the submitted report: *Native Vegetation Clearance Data Report, Kangaroo Island Pipeline Stage 1*, prepared by Renate Faast and Marcus Cooling, dated 3 December 2022;
2. No clearance to occur until approval, if required, has been sought and obtained under the *Environment Protection and Biodiversity Conservation Act 1999*;
3. The applicant must ensure that only native vegetation approved for removal in accordance with this decision is removed;
4. 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;
5. Prior to clearance commencing, the applicant must define the trees and vegetation 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;
6. 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;
7. When undertaking any clearing or other activity authorised under this approval, the applicant or anyone acting on their behalf must take the following steps to minimise the risk of the introduction and spread of weeds and dieback (*Phytophthora*):
 - i) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
 - ii) ensure that no known *Phytophthora* or weed-affected soil, mulch, fill or other material is brought into the area to be cleared;
 - iii) restrict the movement of machines and other vehicles to the limits of the areas to be cleared;


- iv) where Phytophthora is known or likely to occur within the area of clearance, to minimise any spread, avoid machinery movement when or in areas where soils are wet or muddy;
- 8. Any excavation or fill material surplus to the requirements of the development must be disposed of such that it will not:
 - i) adversely impact on native vegetation;
 - ii) contribute to erosion or sedimentation;
 - iii) facilitate the spread of pest plant and pathogenic material;
- 9. The Significant Environmental Benefit requirement (equivalent to 27.29 SEB points) is to be achieved by making a payment (for the amendment only) of \$16,296.98 (\$15,447.49 – GST exclusive - for clearance and \$849.49 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);

*Note: this is the final payment figure for the Stage 1 variation – see Table 1**

- 10. 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;
- 11. 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;
- 12. The endorsement shall be valid for a period of 2 years from the decision date, after which time a new endorsement will be required.

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
Position	PRESIDING MEMBER, NATIVE VEGETATION COUNCIL CHAIR, NATIVE VEGETATION ASSESSMENT PANEL DELEGATE TO NATIVE VEGETATION COUNCIL
Date	24/01/2023 (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.

***Table 1:** Figures show original total for Jan 22, revised total for Dec 22, and difference, which is the total amount owing.

Stage 1	Area (ha)	Total Bio Score	SEB Points required	SEB Payment	Admin Fee	Total fee
Jan-22	0.98	49.09	51.51	\$ 38,305.16	\$ 2,106.79	\$ 40,411.95
Dec-22	0.98	75.39	78.80	\$ 53,752.65	\$ 2,956.28	\$ 56,708.93
					Difference	\$ 16,296.98

Native Vegetation Clearance Application SA Water - KI Pipeline Stage 1



DECISION PLAN V3

TO FORM PART OF THE DECISION OF THE
NATIVE VEGETATION COUNCIL

APPLICATION NO. 2021/3023/520

HUNDRED of MENZIES, HAINE S and DUDLEY

Parcel & Title:
Road reserves

-  Conditional Consent
(0.9759 ha)
-  Property/Section Boundary
-  Road

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

Imagery: World Imagery

Date: 09/01/2023
Version: 03
Datum: GDA2020

NVO: SG



Chair, Native Vegetation Assessment Panel

Decision Date: 24/01/2023



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0 2,600 5,200 7,800 10,400 13,000 Meters
Scale: 1:164000

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