

# Native Vegetation Council

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## DECISION NOTIFICATION *Native Vegetation Regulations 2017*

**Application Number: 2021/3248/923**

**To:** Attention: Damian Windsor  
Manager, Works and Infrastructure  
District Council of Tumby Bay  
PO Box 61  
Tumby Bay SA 5605  
Email: [DWindsor@tumbybay.sa.gov.au](mailto:DWindsor@tumbybay.sa.gov.au)

Mob: 0427 882 074

**Date Received:** 23/03/2021  
**Date Registered:** 17/11/2021

<b>Applicant</b>	District Council of Tumby Bay
<b>Landholder</b>	Samuel John Campbell, of Brooker via Ungarra SA 5610  <i>*The landholder, Samuel Campbell, has granted written permission for the clearance of vegetation to occur on his property, with NVC approval.</i>
<b>Purpose of application</b>	Clearance required for the expansion of an existing quarry to mine road re-surfacing material.
<b>Description of native vegetation under application</b>	<b>0.9 ha of <i>Melaleuca uncinata</i> (Broombush) Shrublands</b> of which 0.4 ha is in good condition and the remainder is disturbed and lacks structural elements and has a high weed coverage.
<b>Location of the application</b>	Local Government: District Council of Tumby Bay  Parcel ID/Title ID: H532100 S13 CT5454/899  Hundred: Moody  The quarry (Campbell's Pit) is located at [REDACTED] Brooker Road, Ungarra, SA 5607.

### 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 0.9 ha native vegetation in the area shown on the attached Decision Plan 2021/3248/923 required for the expansion of an existing quarry to mine road re-surfacing material, located at 3611 Brooker Road, Ungarra (32km northwest of Tumbury Bay, EP).

### **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 0.9 ha native vegetation as shown on the attached Decision Plan 2021/3248/923, and in the submitted report: *Native Vegetation Clearance Data Report, Campbell's Pit, Brooker Road*, prepared by Catherine Miles and Kerri Muller dated September 2021;
2. The applicant must ensure that only native vegetation approved for removal in accordance with this decision is removed;
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 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;
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. 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;
7. 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;

8. The Significant Environmental Benefit requirement (equivalent to 51.15 SEB points) is to be achieved by making a payment of \$29,889.12 (\$28,330.92 – GST exclusive - for clearance and \$1,558.20 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);
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.

### 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	25/11/2021 (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:**            2021/3248/923            **Damian Windsor**  
**District Council of Tumby Bay**  
**Expansion of an existing quarry**  
**to mine road resurfacing material**  
**located at [REDACTED] Brooker Rd, Ungarra SA**

*The applicant, and all parties to the decision, have received a copy of the Decision Notification (decision date 25/11/2021) 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:

.....  
.....  
.....  
.....

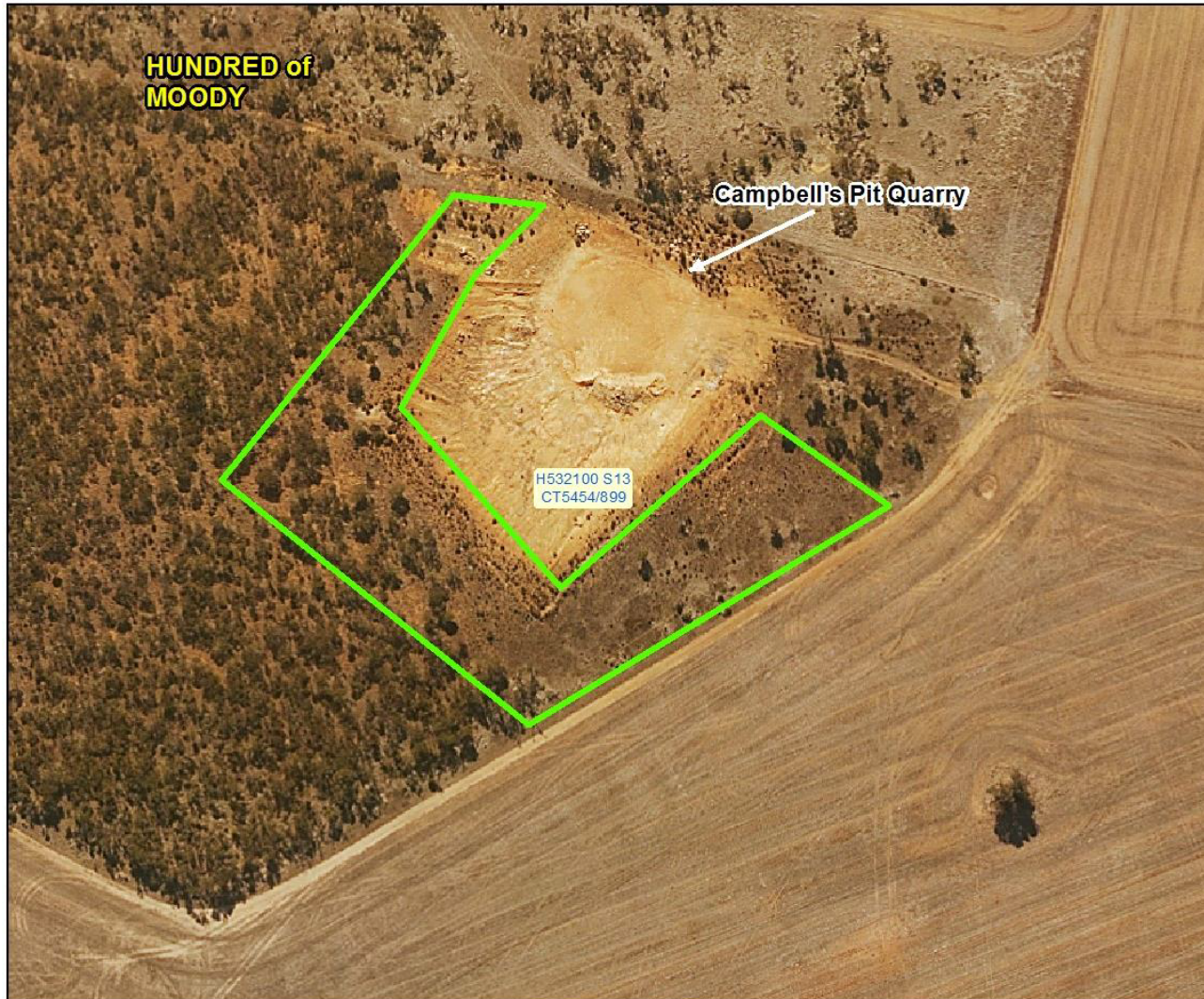
Date: .....

**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 Regulation Application Tumby Bay Council - [REDACTED] Brooker Road, Ungarra, quarry expansion



## DECISION PLAN

TO FORM PART OF THE DECISION TO THE NATIVE VEGETATION COUNCIL

APPLICATION NO. 2021/3248/923

HUNDRED of MOODY

H532100 S13 CT5454/899

-  Conditional Consent (0.9 ha)
-  Property/Section Boundary
-  Road

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

Imagery: Latest\_Imagery\_ImageMapSA

Date: 22/11/2021  
Version: 01  
Datum: GDA94

SO: SG

Delegate, Native Vegetation Council

Decision Date: 25/11/2021



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