

# 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: 2023/3012/960**

To: Attn: [REDACTED]  
[REDACTED]  
Jaytex Construction  
18-20 Kingston Avenue,  
Richmond SA 5033

Date Received; 03/01/2023  
Date Registered: 18/01/2023

Mob: [REDACTED] Email: [REDACTED]

<b>Applicant</b>	Nuriootpa Traders Pty Ltd
<b>Landholder</b>	Industrial and Commercial Developments Pty Ltd
<b>Purpose of application</b>	Clearance is required for the construction of a transport distribution facility.
<b>Description of native vegetation under application</b>	<b>31 x scattered trees</b> within a mixed <i>Eucalyptus leucoxylon</i> ssp. <i>leucoxylon</i> (SA Blue Gum), <i>E. odorata</i> (Peppermint Box) and <i>Callitris gracilis</i> (Native Pine) Open Woodland over exotic grassland, including: <ul style="list-style-type: none"><li>• <b>20 x</b> <i>Eucalyptus leucoxylon</i> ssp. <i>leucoxylon</i> (SA Blue Gum);</li><li>• <b>4 x</b> <i>Eucalyptus odorata</i> (Peppermint Box)</li><li>• <b>7 x</b> <i>Callitris gracilis</i> (Native Pine)</li></ul>
<b>Location of the application</b>	Local Government Area: Barossa Council Parcel ID/Title ID: D110043 A102 CT6160/23 Hundred: Nuriootpa Location: Lot 102 Samuel Road, Nuriootpa SA 5355

### 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:

- 1. Grants consent** to clearance of 31 x scattered trees in the area shown on the attached Decision Plan 2023/3012/960 for the purpose specified in this decision.

### Reason for Decision:

The clearance of native vegetation meets the requirements of Native Vegetation Regulation 12, Schedule 1; Clause 34.



**Government  
of South Australia**

## 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 31 scattered trees as shown on the attached Decision Plan 2023/3012/960, and in the submitted report: *Native Vegetation Clearance Data Report, Nuriootpa Traders Transport Distribution Warehouse Development*, prepared by Andrew Sinel, dated 17/01/2023;
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. Prior to clearance commencing, the applicant must define the area and 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. The applicant will within three (3) months of the decision date, relocate hollow limbs from those trees granted conditional consent, to the limbs of trees elsewhere on the site. All relocated hollows are to be a minimum of 50 cm long, and attached (where possible) at least four metres above the ground;
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):
  - clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
  - ensure that no known Phytophthora or weed-affected soil, mulch, fill or other material is brought into the area to be cleared;
  - restrict the movement of machines and other vehicles to the limits of the areas to be cleared;
  - 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:
  - adversely impact on native vegetation;
  - contribute to erosion or sedimentation;
  - facilitate the spread of pest plant and pathogenic material;
9. Payment of \$38,836.98 (\$36,812.31 (GST exclusive) and \$2,024.68 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: It is understood that landscaping will be undertaken by the applicant on the site of the clearance area, which is additional to the SEB payment. The applicant should ensure the landscaping*

*is undertaken successfully, with particular regard to regular watering while plants are young, and weeding, for a period until the vegetation is sufficiently established;*

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. 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.
13. 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	Andrew Groom
Position	<b>DELEGATE TO NATIVE VEGETATION COUNCIL</b>
Date	25/01/2023 (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 been 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.

**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 Nuriootpa Traders P/L - 102 Samuel Rd Nuriootpa



Government of South Australia  
Department for Environment  
and Water



## DECISION PLAN

TO FORM PART OF THE DECISION OF THE  
NATIVE VEGETATION COUNCIL

APPLICATION NO. 2023/3012/960

HUNDRED of NURIOOTPA

Parcel & Title:  
D110043 A102 CT6160/23

-  Conditional Consent  
(31 x scattered trees)
-  Property/Section Boundary
-  Road
-  Significant/Regulated trees
-  Non-native trees to be removed

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

Imagery: Latest\_Imagery\_ImageMapSA

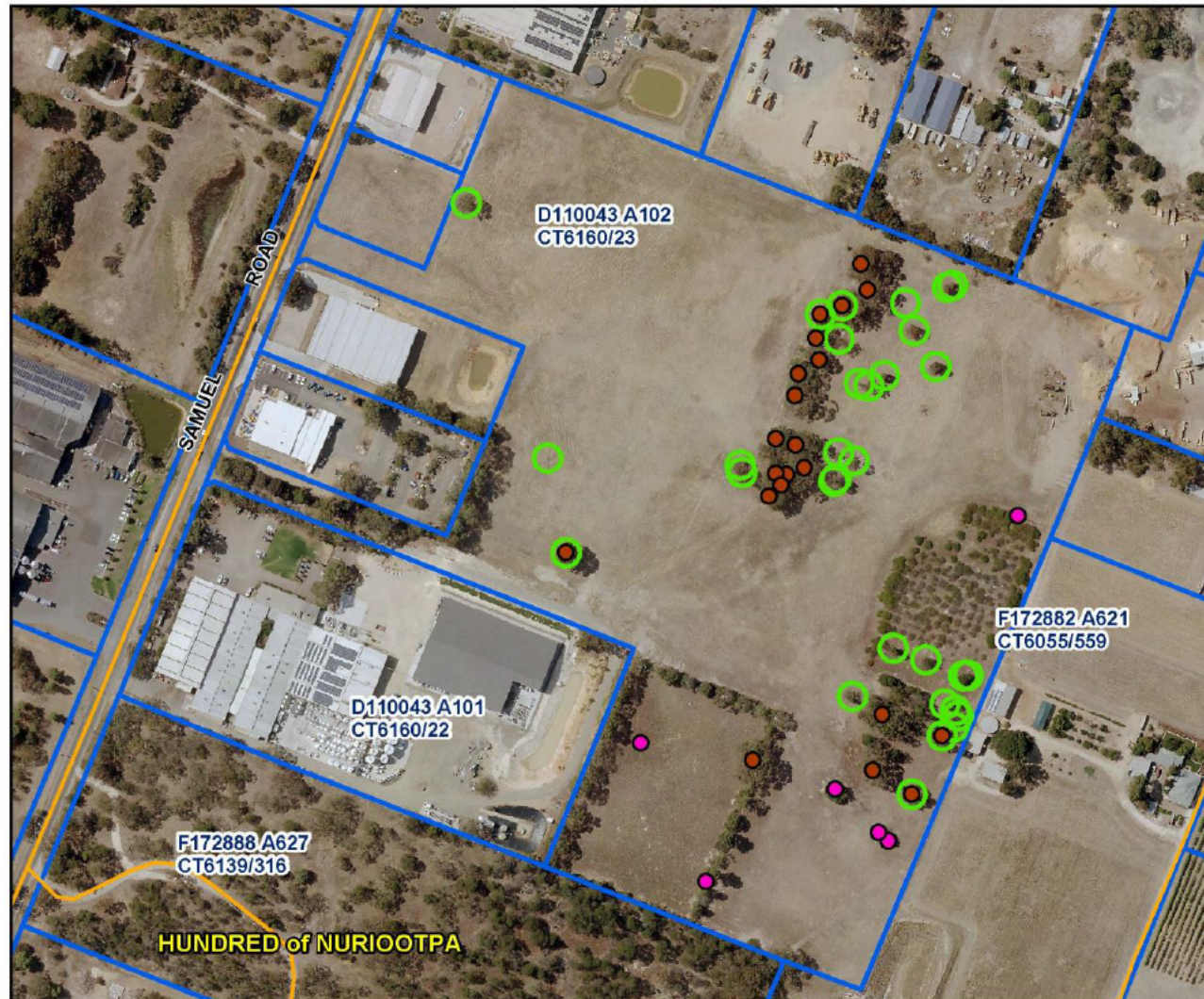
Date: 23/01/2023  
Version: 01  
Datum: GDA2020

NVO: SG



Delegate, Native Vegetation Council

Decision Date: 25/01/2023



42

DISCLAIMER  
The Department for Environment and Water its employees and servants do not warrant or make any representation regarding the use, or results of use of the information contained herein as to its correctness, accuracy, currency or otherwise.  
The Department for Environment and Water, its employees and servants expressly disclaim all liability or responsibility to any person using the information or advice contained herein.

0 50 100 150 200 250 Meters  
Scale: 1:3600

© Government of South Australia, through the Department for Environment and Water.  
This work is Copyright. Apart from any use permitted under the Copyright Act 1968 (Cwth), no part may be reproduced by any process without prior written permission obtained from the Department for Environment and Water. Requests and enquiries concerning reproduction and rights should be directed to the Chief Executive,  
Department for Environment and Water, GPO Box 1047, Adelaide SA 5001.