

Native Vegetation Council

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Ph| 08 8303 9777; email| nvc@sa.gov.au



DECISION NOTIFICATION *Native Vegetation Regulations 2017*

Application Number: 2023/3011/960

To:

[REDACTED]
Nuriootpa SA 5355
[REDACTED] [REDACTED]

Date Received: 15/09/2022
Date Registered: 11/01/2023

Applicant	[REDACTED]
Landholder	[REDACTED]
Purpose of application	Clearance required for the construction of a 26-allotment residential subdivision.
Description of native vegetation under application	<p>90 x scattered trees in total, growing in and around a mature olive orchard. There is minimal native vegetation in the block surrounding the trees, with the undergrowth dominated by exotic grasses. Trees consist of:</p> <ul style="list-style-type: none">• 75 x <i>Eucalyptus Leucoxylon ssp pruinosa</i> (Inland Blue Gum) • 30 mature trees • 45 juveniles (<9m);• 10 x <i>Eucalyptus odorata</i> (Peppermint Gum) • 9 mature adult trees • 1 juvenile• 2 x <i>Callitris preissii</i> (Southern Cypress Pine) • 2 mature trees• 3 x <i>Acacia pycnantha</i> (Golden Wattle) • 3 mature trees
Location of the application	<p>Hundred of Moorooroo D127481 A3001 CT6259/501 Lot 3001 Falland Avenue, Nuriootpa SA 5355</p>

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. Consents to the clearance of ninety (90) scattered trees in the area shown on the attached Decision Plan 2023/3011/960 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 35.



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 90 scattered trees as shown on the attached Decision Plan 2023/3011/960, and in the submitted report: *Native Vegetation Clearance Data Report, Proposed subdivision Falland Avenue Nuriootpa*, prepared by Rohan Calley, dated 19/09/2022;
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. Prior to clearance commencing, the applicant must define the area 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 landowner 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 subdivision. All relocated hollows are to be a minimum of 50 cm long, and attached (where possible) at least four metres above the ground;
6. The Significant Environmental Benefit requirement (equivalent to 200.07 SEB points) is to be achieved by making a payment into the Native Vegetation Fund of \$141,432.78 (\$134,059.51 for clearance GST exclusive and \$7,373.27 for the administration fee GST inclusive) prior to any clearance occurring (Note an invoice will be sent once the attached form 'Decision Notification acknowledgement' form is signed and returned.);
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
Position	CHAIR, NATIVE VEGETATION ASSESSMENT PANEL
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.

DECISION NOTIFICATION ACKNOWLEDGEMENT

Application Number: 2023/3011/960

**Lot 3001 Falland Avenue, Nuriootpa SA
Residential Subdivision**

The applicant, and all parties to the decision, have received a copy of the Decision Notification (decision date 24/01/2023) 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:

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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 Lot 3001 Falland Ave, Nuriootpa - subdivision



Government of South Australia
Department for Environment
and Water

DECISION PLAN

TO FORM PART OF THE DECISION OF THE
NATIVE VEGETATION COUNCIL

APPLICATION NO. 2023/3011/960

HUNDRED of MOOROOROO

Parcel & Title:
D127481 A3001 CT6259/501

-  Conditional Consent
(90 x scattered trees)
-  Property/Section Boundary
-  Road
-  Tree to be retained

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

Imagery: Latest_Imagery_ImageMapSA

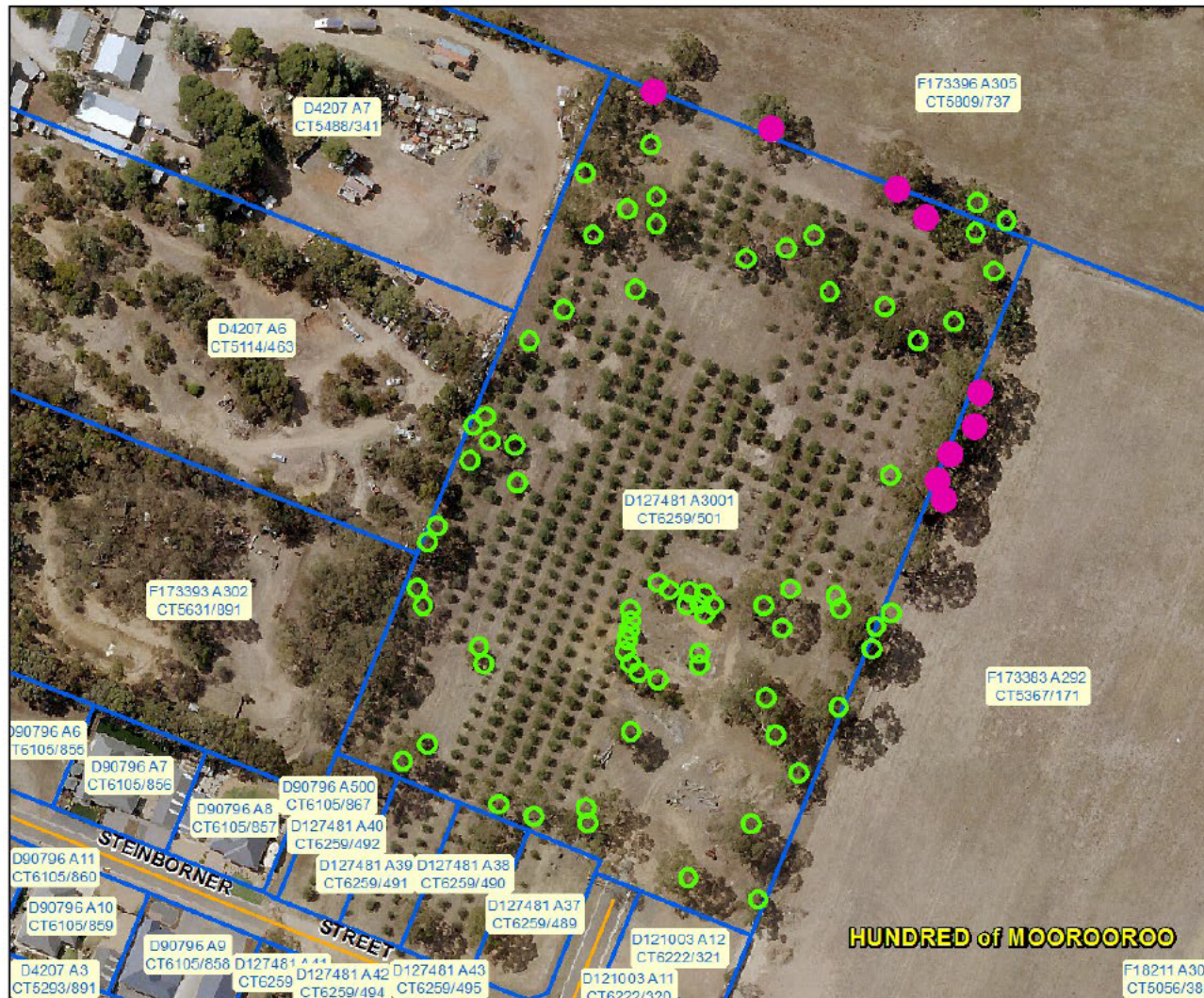
Date: 18/01/2023
Version: 01
Datum: GDA2020

NVO: SG



Chair, Native Vegetation Assessment Panel

Decision Date: 24/01/2023



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