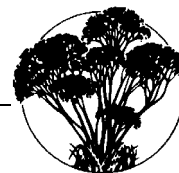


Native Vegetation Council

81-95 Waymouth St, ADELAIDE SA 5000 | GPO Box 1047, ADELAIDE SA 5001

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



DECISION NOTIFICATION

Native Vegetation Act 1991

Application Number: 2023/2014/922

To: T-Ports Pty Ltd

Level 2/91 King William Street
Adelaide SA 5000

Attention: Master Plan SA Pty Ltd
33 Carrington Street
Adelaide SA 5000

Mob:

Date Received:

21/04/2023

Date Registered:

21/06/2023

Email:

Applicant	T-Ports Pty Ltd
Landholder	T-Ports Pty Ltd Level 2, 92 King William Rd, Adelaide SA 5000
Purpose of application	Clearance is required for the disposal of dredging spoil from the marine harbour.
Description of native vegetation under application	5.52 ha of rehabilitated <i>Tecticornia halocnemoides ssp. halocnemoides</i> (Grey Samphire) +/- <i>Tecticornia pergranulata ssp. pergranulata</i> (Black-seed Samphire) low open shrubland in moderate to good condition. Large bare patches are present in the centre and northeast corner of the site.
Location of the application	Hundred: Wilton Parcel: D115028 A20 Title: CT6194/467 Location: Lucky Bay Road, Lucky Bay SA 5602

Decision

The Native Vegetation Council has considered your application in accordance with the requirements of Section 28 of the *Native Vegetation Act 1991*.

In respect of the application, subject to the conditions listed below, you are informed that the Native Vegetation Council:

- Grants consent** to the clearance of 5.52 ha of native vegetation in the areas shown on the attached Decision Plan 2023/2014/922, required for the disposal of dredging spoil from the marine harbour.



**Government
of South Australia**

Reason for Decision:

The clearance of native vegetation under application does not significantly impact Intact Stratum and is not Seriously at variance with the Principles of native vegetation clearance.


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 5.52 ha native vegetation as shown on the attached Decision Plan 2023/2014/922, and in the submitted report: *Native Vegetation Clearance Data Report, T-Ports, Lucky Bay*, prepared by Jeremy Ross-Carter, dated April 2023;
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 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 applicant is to meet the Significant Environmental Benefit requirement of 334.05 points by making a payment of \$133,822.67 (\$126,846.13 for clearance GST exclusive and \$6,976.54 for the administration fee GST inclusive) to the Native Vegetation Fund, within one month of invoice date. (Note the invoice will not be sent until the attached form "Decision Notification Acknowledgement" is signed and returned);
6. Members of the Native Vegetation Council or a person who is an authorised officer under the *Native Vegetation Act 1991* 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;
7. 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;
8. 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;
9. 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	DELEGATE TO NATIVE VEGETATION COUNCIL
Date	4/7/2023 (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: 2023/2014/922 **T-Ports Pty Ltd**
Attention: [REDACTED]
Clearance for dredging spoil
Lucky Bay Rd, Lucky Bay SA

The applicant, and all parties to the decision, have received a copy of the Decision Notification (decision date 4/7/2023) and fully accept and will comply with the decision.

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 Clearance Application T-Ports Pty Ltd - disposal of dredging spoil, Lucky Bay



DECISION PLAN

TO FORM PART OF THE DECISION OF THE
NATIVE VEGETATION COUNCIL

APPLICATION NO. 2023/2014/922

HUNDRED of WILTON

Parcel & Title:
D115028 A20 CT6194/467

- Conditional Consent (5.52 ha)
- Property/Section Boundary
- Road

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

Imagery: World Imagery

Date: 26/06/2023
Version: 01
Datum: GDA2020

NVO: SG



Delegate, Native Vegetation Council

Decision Date: 4/7/2023

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