

# 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 Act 1991*

### Application Number: 2021/2014/520

To: Andrew Fogden  
[REDACTED]  
Parndana SA 5220  
Mob: [REDACTED]

Date Received: 29/03/2021  
Date Registered: 04/05/2021

Email: [REDACTED]

<b>Applicant</b>	Andrew Fogden
<b>Landholder</b>	Andrew Fogden
<b>Purpose of application</b>	Clearance required for the construction of 3 new dams
<b>Description of native vegetation under application</b>	1.86 ha native vegetation consisting of: <ul style="list-style-type: none"><li>• 0.06 ha of Tea-tree (<i>Leptospermeum continentale</i>) shrubland in very good condition (Dam 1)</li><li>• 1.8 ha of Stringybark (<i>Eucalyptus baxteri</i>) woodland in burnt, but good regenerative condition (Dams 2 and 3, each 0.9 ha)</li></ul>
<b>Location of the application</b>	Hundred: Duncan and Newland Parcel: D124093 A92 D113659 A105 Title: CT6251/387 CT6191/210 Location: [REDACTED], Duncan SA 5220 [REDACTED] Newland SA 5220

### 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:

1. **Grants consent** to the clearance of 1.86 ha of native vegetation in the areas shown on the attached Decision Plans 2021/2014/520 (1 & 2) for the purpose of constructing three dams on the properties at 51 Harriet Rd, Duncan and 681 Harriet Rd, Newland, on Kangaroo Island.
2. **Credits** the applicant, in accordance with Section 25A(1)(c) of the Act, with achieving an environmental benefit that is in excess of any requirement/not required under the Act. This provides 272.73 SEB Points of Credit.

### 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 Clearance.



Government  
of South Australia

## 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. The landowner must ensure that only 1.86 ha approved for clearance (refer to attached Decision Plans numbered 2021/2014/520 (Plan 1 & 2)) is cleared whether by the landowner or any other person undertaking clearance;
2. For the construction of dams, the landowner must ensure that a low flow bypass is installed on each dam within six (6) months to limit potential erosion or sediment contamination downstream;
3. The Significant Environmental Benefit requirement (equivalent to 131.61 SEB points) is to be achieved by protecting and managing of an area of vegetation.
4. The landowner is to permanently set aside and actively manage six areas of native vegetation totalling 76.49 ha in the attached Plans numbered 2021/2014/520 Plan 3 & 4, for the growth of native vegetation and for no other purpose. The SEB provides a total of 404.34 SEB points.
5. The landowner is to manage the set aside in accordance with the SEB management plan to permanently maintain that land for the purpose of growth of native vegetation and management of environmental threats and degrading processes. The SEB management requirements include:
  - a. permanent exclusion of stock. Stock grazing may be permitted on occasions, but only if grazing is required for the sole purpose of ecological management and undertaken in accordance with an approved management plan;
  - b. where required, erect and maintain fences and gates in good stock proof condition at all times. Fencing to be completed prior to undertaking the clearance. (Note: Where the adjoining land is to be kept free of stock, no fencing is required unless grazing of the adjacent land is proposed);
  - c. undertaking an effective and ongoing weed control program within the set-aside areas to ensure the successful regeneration of native vegetation in the area;
  - d. not to erect, place or permit any structure or dwelling to be placed on the SEB area, other than approved signs;
6. The 272.73 SEB points of credit are available for future use to achieve an environmental benefit required under the Act, or for the assignment of those credits in accordance with Section 25B of the Act. The Native Vegetation Council will consider the extent to which the attached conditions of this approval have been complied with when considering any application to apply or assign credits and may adjust the value of the credits accordingly.
7. The Native Vegetation Council reserves the rights to revoke the credits or refuse the assignment of credits under Section 25B of the Act, if the Native Vegetation Council are of the opinion that the applicant has failed to sufficiently comply with the condition of this approval or the associated management plan.
8. 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;
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;
11. The landowner must adequately inform any prospective purchaser, lessee or occupier of the land affected by conditions in this consent, of the relevant conditions.
12. The decision shall be valid for a period of 2 years from the decision date, after which time a new application 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 PSM
Position	<b>CHAIR, NATIVE VEGETATION ASSESSMENT PANEL</b>
Date	28/06/2021 (Decision Date)

**DECISION NOTIFICATION ACKNOWLEDGEMENT**

**Application Number:** 2021/2014/520      **Andrew Fogden**  
3 farm dams located at:  
[REDACTED] Duncan SA 5220 and  
[REDACTED], Newland SA 5220

*The applicant, and all parties to the decision, have received a copy of the Decision Notification (decision date 28/06/2021) 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 - Section 28 Andrew Fogden - construction of 3 farm dams, KI






## DECISION PLAN 1 of 4

TO FORM PART OF THE DECISION TO THE  
NATIVE VEGETATION COUNCIL

APPLICATION NO. 2021/2014/520

HUNDRED of NEWLAND

Parcel: D113659 A105  
Certificate of Title: CT6191/210

-  Conditional Consent (Dam 1)
-  Property/Section Boundary
-  Road

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

Imagery: Latest\_Imagery\_ImageMapSA

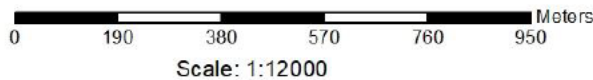
Date: 22/06/2021  
Version: 02  
Datum: GDA94

SO: SG

Delegate, Native Vegetation Council



Dated: 28/06/2021  
Decision Date:



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# Native Vegetation Clearance Application - Section 28 Andrew Fogden - construction of 3 farm dams, KI






## DECISION PLAN 2 of 4 TO FORM PART OF THE DECISION TO THE NATIVE VEGETATION COUNCIL

APPLICATION NO. 2021/2014/520

HUNDRED of DUNCAN

Parcel: D124093 A92  
Certificate of Title: CT6251/387

-  Conditional Consent (Dams 2 & 3)
-  Property/Section Boundary
-  Road

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

Imagery: Latest\_Imagery\_ImageMapsSA

Date: 13/05/2021  
Version: 01  
Datum: GDA94

SO: SG

Delegate, Native Vegetation Council

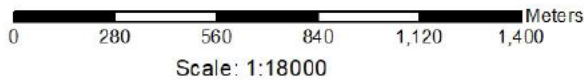
Dated: 28/06/2021  
Decision Date:



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# Native Vegetation Clearance Application - Section 28 Andrew Fogden - construction of 3 farm dams, KI



## DECISION PLAN 3 of 4

TO FORM PART OF THE DECISION TO THE NATIVE VEGETATION COUNCIL

APPLICATION NO. 2021/2014/520

HUNDRED of NEWLAND

Parcel: D113659 A105  
Certificate of Title: CT6191/210

-  Offset areas
-  Property/Section Boundary
-  Road

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

Imagery: Latest\_Imagery\_ImageMapSA

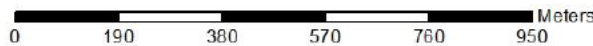
Date: 22/06/2021  
Version: 02  
Datum: GDA94

SO: SG

Delegate, Native Vegetation Council



Dated: 28/06/2021  
Decision Date:



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# Native Vegetation Clearance Application - Section 28 Andrew Fogden - construction of 3 farm dams, KI



## DECISION PLAN 4 of 4

TO FORM PART OF THE DECISION TO THE NATIVE VEGETATION COUNCIL

APPLICATION NO. 2021/2014/520

HUNDRED of DUNCAN

Parcel: D124093 A92  
Certificate of Title: CT6251/387

-  Offset areas
-  Property/Section Boundary
-  Road

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

Imagery: Latest\_Imagery\_ImageMaps SA

Date: 24/06/2021  
Version: 01  
Datum: GDA94

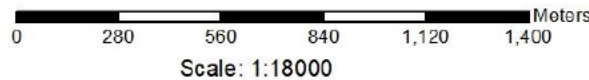
SO: SG

Delegate, Native Vegetation Council



Native Vegetation Council

Date: 28/06/2021  
Decision Date:



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