



Reference: NVR 2020/3146/680
Contact: Andrew Groom
Telephone: 8207 7727

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ADELAIDE SA 5000

1 December 2020

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REGULATION ADVICE NOTIFICATION *Schedule 1, Regulation 12(35) – Residential Subdivision*

Dear Chris and Susannah,

Re: Clearance associated with the subdivision at 42 Coast Range Rd Penong 5690

I refer to your application to clear 1.41 ha of *Eucalyptus oleosa*/E. *gracilis* Mallee over *Atriplex vesicaria* for a house site, associated infrastructure and new boundary clearance associated with a new subdivision on Section 40, Hundred of Cohen)

The Native Vegetation Council (NVC) considers that the proposed clearance of 1.41 ha of *Eucalyptus oleosa*/E. *gracilis* Mallee over *Atriplex vesicaria* satisfies the requirements of Native Vegetation Schedule 1, Regulation 12(35) (Attachment 1) and therefore endorses its use of Schedule 1, Regulation 12(35) under delegated authority subject to:

1. The landowner must ensure that only native vegetation approved for clearance (refer to attached Decision Plan numbered 2020/3146/680) is cleared whether by the landowner or any other person undertaking clearance.
2. PRIOR to any clearance being undertaken the landowner must obtain, if necessary, an approval for a change in land use under the Development Act 1993;
3. 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.
4. The landowner is to permanently set aside and actively manage the area of native vegetation totalling 59.29ha providing the minimum 91.09 SEB points in the attached Plan numbered 2020/3145/680, for the growth of native vegetation and for no other purpose.

*Note; 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 Act. This provides **220.69 SEB Points of Credit** that is 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.*

5. The landowner is to manage the set aside in accordance with the SEB management plan(attached) compiled by Phil Landless (received by NVC November 2020) 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) 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 and pest animal control program within the set-aside area 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 landholder is to enter into a Heritage Agreement over the SEB set aside area and sign the HA within four weeks of receiving the agreement.
 7. 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; and
 8. The landowner must adequately inform any prospective purchaser, lessee or occupier of the land affected by conditions in this consent, of the relevant conditions.
 9. The endorsement shall be valid for a period of 2 years from the decision date, after which time a new endorsement will be required.

Please complete the attached form, "Understanding of Regulation Advice" (including signature and date; a scanned copy is OK), to confirm that you fully understand the Advice and Conditions detailed in this letter. **No clearance is to occur until this form is signed and returned.**

Please feel free to contact Andrew Groom on 8207 7727 if you have any questions.

Yours sincerely,



Adam Schutz
Delegate
Native Vegetation Council

Attachment 1

Schedule 1, Regulation 12(35) – Residential Subdivision

Division 5—Risk assessment

12—Risk assessment

- (1) Subject to this Division, native vegetation may be cleared in any of the circumstances set out in Schedule 1 Part 4, Part 5 or Part 6.
- (2) The operation of this regulation extends to native vegetation that is growing or is situated on land that is subject to a heritage agreement or a management agreement if a provision of the relevant Part of Schedule 1 setting out circumstances in which vegetation may be cleared specifies that the provision applies to such vegetation.

16—Clearance for other activities

- (1) Clearance of native vegetation for the purposes of activities of a kind specified in Schedule 1 Part 6 is permitted only if it is undertaken in accordance with—
 - (a) the written approval of the Council; or
 - (b) a standard operating procedure determined or approved by the Council for the purposes of this provision.
- (2) Authorisation to clear native vegetation under sub regulation (1) is subject to—
 - (a) a condition—
 - (i) that the clearance of native vegetation is to be undertaken in accordance with a management plan, approved by the Council for implementation, that results in a significant environmental benefit; or
 - (ii) that the person undertaking the operations is to make a payment into the Fund of an amount considered by the Council to be sufficient to achieve a significant environmental benefit in the manner contemplated by section 21(6) or (6a) of the Act, as determined by the Council; and
 - (b) such other conditions as the Council thinks fit.
- (3) Clearance of native vegetation for the purposes of activities of a kind specified in Schedule 1 Part 6 is permitted only if any conditions that apply to the approval are complied with.

Schedule 1, Part 6

35—Residential subdivision

- (1) Clearance of vegetation in connection with the division of land for use for residential purposes (including clearance for the construction of roads and other infrastructure), provided that—
 - (a) any development authorisation for the division of the land and for the use of the land for residential purposes required by or under the *Development Act 1993* has been obtained; and
 - (b) the Council has been given written notification of the full extent of the clearance expected to occur in connection with the division of the land.
- (2) Subclause (1) does not apply to—
 - (a) clearance of vegetation established in accordance with a condition of a consent for clearance of vegetation; or
 - (b) clearance that would be contrary to—

- (i) a condition of a consent for clearance of vegetation; or
- (ii) a condition imposed in connection with clearance of vegetation permitted under these regulations; or
- (iii) a condition in respect of clearance permitted under the revoked regulations.



Note: *Please read the Regulation Advice Notification to acknowledge that you have understood the Advice made by the Native Vegetation Council, then sign and return this form by post or email to:*

Send to: **Andrew Groom**
 Native Vegetation Branch
 Department for Environment and Water
 GPO Box 1047 Adelaide SA 5001

Fax: **8303 9780**
Email: **Andrew.groom@sa.gov.au**

UNDERSTANDING OF REGULATION ADVICE

File: **2020/3146/680 – Bampton**

I clearly understand the Native Vegetation Council’s Regulation Advice Notification and the conditions associated with clearance.

Name of Landowner(s) or Company:

Signature of Landowner(s) or seal of Company and authorised signatory:

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Date :

