



Native Vegetation Council

File: 2019/3121/711, NVC Mtg 225 Agenda Item 11

Contact: Peter Farmer
Telephone: 8207 7704

Level 4
81-95 Waymouth St
ADELAIDE SA 5000

GPO Box 1047
Adelaide SA 5001

Ph| 08 8303 9777

nvc@sa.gov.au

12 September, 2019

Lauren Nicholson
Senior Planner
Aurecon Australasia Pty Ltd
Level 10, 55 Grenfell Street,
Adelaide SA 5000

cc: Jackie Griggs, SA Water; Sarah Telfer, T & M Ecologists

REGULATION ADVICE NOTIFICATION ***Regulation 12(34) – Infrastructure***

Dear Lauren,

RE: SA WATER - SWAN REACH WATER TREATMENT PLANT SOLAR PROJECT

I refer to application dated 3rd June 2019 lodged by Aurecon Australasia on behalf of SA Water, in which approval was sought from the Native Vegetation Council (NVC) for the removal of native vegetation associated with construction of a solar photo voltaic project at Swan Reach under Schedule 1, Regulation 12(34) – *Infrastructure*.

At its meeting of 4th September 2019 the Native Vegetation Council (NVC) considered your application in conjunction with the presentation by Jackie Griggs SA Water and yourself, and a report from the Native Vegetation Branch. The application for the development, as detailed in the T & M Ecologists report dated June 2019 and supplementary information, was considered against Schedule 1, Regulation 12(34) – *Infrastructure*.

NVC considered that the proposed clearance of up to 10.31ha of shrublands satisfies the requirements of Schedule 1, Regulation 12(34). The NVC sought the right to review Construction Environmental Management Plan prior to adoption under the Development Act process. Condition 6 below addresses this requirement with review delegated to the Native Vegetation Branch.

NVAP resolved to endorse the use of Schedule 1, Regulation 12(34)) to clear up to 10.31ha of native vegetation as described in the *Aurecon: SA Water – Swan Reach Water Filtration Plant Solar Panel Project Data Report* prepared by T & M Ecologists dated June 2019, and supplementary information subject to:

1. No clearance to occur until planning approval for the project has been obtained;

It is noted that approval of development applications (No. 711/V004/19) and (No 711/V015/19) were granted by SCAP on 19/07/2019 and 26/08/2019 respectively.

2. Clearance to be confined to those areas as shown as exempt in Regulation Advice Plan 2019/3121/711;
3. If there is any change to the clearance requirement for the development, SA Water is to confirm the final clearance area and SEB offset requirement on finalising the

detailed design of the project prior to undertaking clearance. The extent of clearance must include, but not limited to clearance for construction, solar photo voltaic arrays, battery storage system, transmission line and ancillary infrastructure including, access roads and temporary construction facilities requirements.

4. A Significant Environmental Benefit (SEB) requirement of 471.37 SEB points (nominally equivalent to 58.92 ha) is to be achieved. An application must be submitted to the Native Vegetation Council by SA Water by 30 June 2020 for the establishment of an SEB in accordance with the requirements of the NVC's Policy for a Significant Environmental Benefit (SEB Policy). Noting, delivery of the SEB may be achieved in accordance with requirements of Section 25A Credit, 25B Assignment of Credit or 25C Accredited Third Party Provider of the *Native Vegetation Act 1991*. The application must include the proposed SEB area, a vegetation assessment completed using the NVC's Bushland Assessment method, Native Vegetation Management Plan for the SEB area and either proof of ownership or the legal right to purchase or manage the subject land. Should no application be received within the specified timeframe or if the application fails to meet the requirement of the SEB Policy, then payment into the Native Vegetation Fund will be required. The payment to meet 471.37 SEB points is \$164,728.02 27 (\$156,140.31 to the NV Fund for clearance GST exclusive and \$8,587.72 for the administration fee GST inclusive).
5. The SEB area, subject to NVC approval, will be required to be permanently protected for the growth of native vegetation and no other purpose. The SEB will need to be managed in accordance with the NVC approved Management Plan. The plan must include the following requirements:
 - a. erect a stock proof fence so as to enclose the set-aside area. (Note: Where the adjoining land is to be kept free of stock, no fencing is required unless grazing of the adjacent land is proposed);
 - b. undertake an effective and ongoing weed and pest control program within the set-aside area to ensure the successful regeneration of native vegetation in the area;
 - c. exclude stock or other domestic grazing animals from the set-aside area;
 - d. not allow access to the set-aside area by any vehicles or machinery unless that access will assist in promoting growth or regeneration of native vegetation; and
 - e. where necessary, revegetation to address a lack of species or structural diversity.
6. A pre clearance survey is to be undertaken by a suitably qualified ecologist to determine the presence of the Southern Hairy-nosed Wombat (*Lasiornhinus latifrons*) within the site prior to commencement of construction. Where Wombat burrows are required to be impacted on, clearing will be supervised by a suitable qualified ecologist.
7. Site preparation and construction activities will occur in accordance with an Environmental Management Plan(s) that is to be developed for the construction and operational phases of the development to the satisfaction of the Minister for Planning, for any planning consent (No. 711/V004/19) and (No 711/V015/19), prior to commencement of construction, in part, so as to minimize impacts on other native vegetation not approved for clearance on the subject land by, but not restricted to:
 - Restricting vehicle movement to avoid damage to other native vegetation on site;
 - Suppressing erosion or sedimentation;

- Controlling the spread of pest plant and pathogenic material

A draft of the Plan(s) is to be supplied to the Native Vegetation Branch for review prior to adoption.

8. No clearance to occur until the attached form "Understanding of Regulation Advice" is signed and returned.
9. Members of the Council or a person who is an authorised officer under the Native Vegetation 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; and
10. The endorsement shall be for a period of two years, after which time a new endorsement is required

Please arrange for an authorised representative of SA Water to complete the attached form, "Understanding of Regulation Advice" (including signature and date; a scanned copy is acceptable), to confirm that you/they fully understand the Advice and Conditions detailed in this letter. **No clearance is to occur until this form is signed and returned.**

Please contact Peter Farmer on 8207 7704 if you have any questions.

Yours sincerely,



Adam Schutz
Delegate
Native Vegetation Council

Attachment 1

Native Vegetation Regulations 2017

Regulation 12(34) – Infrastructure

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 subregulation (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

34—Infrastructure

- (1) Clearance of vegetation—
- (a) incidental to the construction or expansion of a building or infrastructure where the Minister has, by instrument in writing, declared that the Minister is satisfied that the clearance is in the public interest; or
 - (b) required in connection with the provision of infrastructure or services to a building or proposed building, or to any place, provided that any development authorisation required by or under the *Development Act 1993* has been obtained.
- (2) In this clause—
- infrastructure** includes—
- (a) flood mitigation works; and
 - (b) an airstrip; and
 - (c) a shipping channel; and
 - (d) a public reservoir.



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 email or post to:

**Send to: Peter Farmer,
Native Vegetation Branch,
Department for Environment and Water,
GPO Box 1047, Adelaide SA 5001**

Email: peter.farmer@sa.gov.au

UNDERSTANDING OF REGULATION ADVICE

File: 2018/3121/711 **Agent:** Aurecon Australasia Pty Ltd
Applicant: SA Water – Swan Reach WTP Solar
Project

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 :

Native Vegetation Regulation Application Regulation 13(34) - Infrastructure SA Water - Swan Reach Water Treatment Plant, Solar Panel Project






Government of South Australia
Department for Environment
and Water

REGULATION ADVICE PLAN

TO FORM PART OF THE DECISION OF THE
NATIVE VEGETATION COUNCIL
APPLICATION NO. 2019/3121/711

HUNDRED of FISHER

Parcel ID	Title ID
S3	CT 5526/308
A3 DP 6634	CR/5421/423
A4 DP6634	CT 6053/327
A10 DP29703	CR 5362/713
A11 DP29703	CR 5362/714

-  Clearance exempt under Regulation 12(34)
-  Property/Section Boundary
-  Road

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

Imagery: Mid Murray Council 13-19Jan2014 20cm

Date: 04/09/2019
Version: 02
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SO: PF

ABD



Delegate, Native Vegetation Council

Dated: 12/9/2019

Decision Date: 4/9/2019



0 110 220 330 440 550 Meters
Scale: 1:7500

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