Native Vegetation Council

81-95 Waymouth St
ADELAIDE SA 5000

GPO Box 1047
Adelaide SA 5001

Ph| 08 8303 9777

nvc@sa.gov.au

File: 2019/3148/571

Contact: Adam Schutz
Telephone: 8207 7713

5 March 2020

Yan Zhaojie
Green Gold Energy
PO Box 3560
Norwood SA 5067

REGULATION ADVICE NOTIFICATION

Regulation 12(34) – Infrastructure

Dear Yan,

I refer to application dated 25 October 2019, in which approval was sought from the Native Vegetation Council (NVC) for the removal of native vegetation associated with establishing the Elwomple Solar Farm under Schedule 1, Regulation 12(34) – Infrastructure.

At its meetings on 3 December 2019 and 11 February 2020 the Native Vegetation Assessment Panel (NVAP) considered your application in conjunction with the presentation by yourself, Mark Yates, Hayden Yates, Damien Dorson and Wayne Brown at the 3 December meeting and a report from the Native Vegetation Branch. The application for the development, as detailed in the Environment by Design report dated 24 November 2019, was considered against Schedule 1, Regulation 12(34) – Infrastructure.

NVAP considered the proposed clearance of 95 scattered trees under Schedule 1, Regulation 12(34) – Infrastructure and resolved to;

> Refuse the clearance of 9 scattered native trees shown on the attached Regulation Advice Plan 2019/3148/571 as they provide habitat for threatened fauna and do not satisfy the mitigation hierarchy. Tree # 1, 2, 3, 4, 5, 65, 67, 68, 72.
>
> Approve the clearance of 86 scattered trees as it was considered the clearance satisfies the requirements of Schedule 1, Regulation 12(34), subject to following conditions:

1. No clearance to occur until planning approval (including building rules of consent) for the project has been obtained;

2. No clearance to occur until a grid connection application has been submitted and approved by SAPN;

3. No clearance to occur until a Generation of Electricity Licence has been issued from the Essential Services Commission of SA, if required;

4. No clearance to occur until detailed design, including all cabling and trenching has been finalised and provided to NVC;

5. No clearance to occur until CFS risk assessment and management plan has been provided to NVC;

6. No clearance to occur until a Construction Environmental Management Plan (CEMP) has been prepared. The CEMP is to include methods to minimise vegetation impacts, methods to delineate vegetation endorsed for clearance (discussed in Condition 7), methods to protect retained vegetation and methods to rehabilitate the site;

7. Clearance is to be confined to the 86 trees granted conditional consent as shown on the attached Regulation Advice Plan 2019/3148/571;

8. To meet 181.65 SEB points the Green Gold Invest is to make a payment of $62,323.67 ($59,355.88 for clearance GST exclusive and $2,967.79 for the administration fee GST inclusive) into the Native Vegetation Fund within one month of invoice date. (Note the invoice will not be sent until the attached form “Understanding of Regulation Advice” is signed and returned);

9. Construction machinery, vehicles, equipment or stockpiles are not to be stored or placed on top of native understorey or under the canopy of native trees outside the clearance consent discussed in Condition 7;

10. No excavation or trenching is permitted within the Tree Protection Zone of retained trees;

11. Prior to clearance or construction activities retained vegetation in close proximity to construction activities is to be delineated (i.e. fenced, flagged or pegged) to prevent accidental impacts and ensure impacts are confined vegetation that has been awarded clearance consent, as discussed in Condition 7;

12. A copy of the Monitoring Program is to be provided to NVC within 1 year from clearance and a copy of the first monitoring report is to be provided within 2 years from clearance;

13. No clearance to occur until the attached form “Understanding of Regulation Advice” is signed and returned.

14. 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

15. 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 Green Gold Investments to complete the attached form, “Understanding of Regulation Advice” (including signature and date; a scanned copy is OK), 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.**

Yours sincerely,

Date; 5 March 2020

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 post or email to:*

Send to: Adam Schutz
Native Vegetation Branch,
Department for Environment and Water,
GPO Box 1047, Adelaide SA 5001

Scan & Email: adam.schutz@sa.gov.au

UNDERSTANDING OF REGULATION ADVICE

File: **2019/3148/571** **Green Gold Energy**

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:

.....

.....

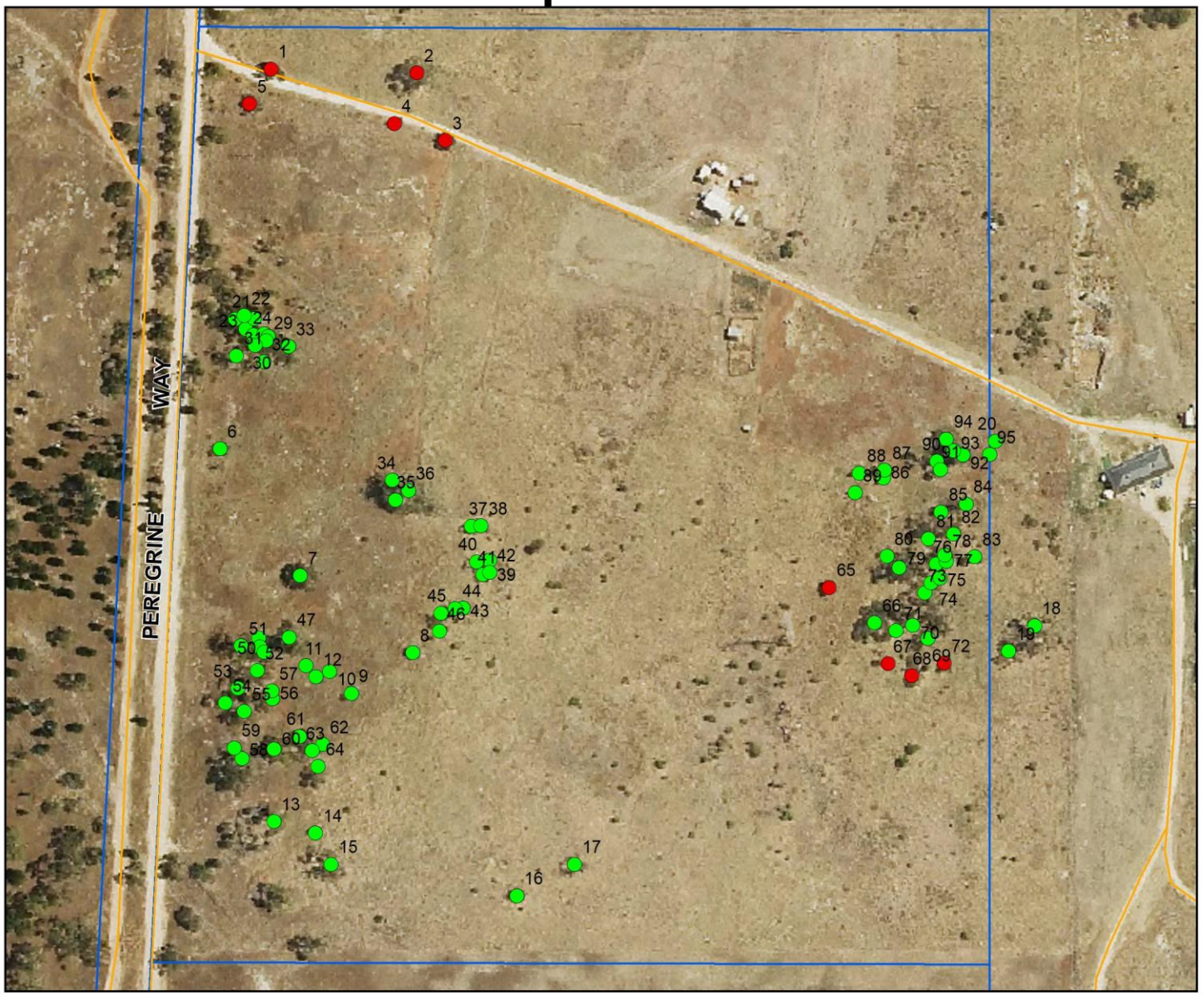
.....

.....

Date : .....

Native Vegetation Regulation 12(34) Application
Green Gold Invest Elwomple Solar Farm - Plan 1 Site Overview

Government of South Australia
Department for Environment and Water



REGULATION ADVICE PLAN 1

TO FORM PART OF THE DECISION OF THE NATIVE VEGETATION COUNCIL

APPLICATION NO. 2019 /3148 /571

HUNDRED of Seymour

D7166 A16

Certificate of Title Vol 5126 Fol 664

Conditional Consent

Trees Refused

Property/Section Boundary

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

Imagery: SouthernMurraylands_3-21Jan2017_40cm

Date: 13/11/2019
Version: 01
Datum: GDA94

AO: TS

Native Vegetation Council

Delegate, Native Vegetation Council

Dated: 5/3/2020

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Native Vegetation Regulation 12(34) Application
Green Gold Invest Elwomple Solar Farm - Plan 1 Site Overview

Government of South Australia
Department for Environment and Water

REGULATION ADVICE PLAN 2

TO FORM PART OF THE DECISION OF THE NATIVE VEGETATION COUNCIL

APPLICATION NO. 2019 /3148 /571

HUNDRED of Seymour

D7166 A16

Certificate of Title Vol 5126 Fol 664

Conditional Consent

Trees Refused

Property/Section Boundary

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

Imagery: SouthernMurraylands_3-21Jan2017_40cm

Date: 13/11/2019
Version: 01
Datum: GDA94

AO: TS

Native Vegetation Council

Delegate, Native Vegetation Council

Dated: 5/3/2020

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Scale: 1:1000

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