



Native Vegetation Council

File: 2020/3018/692, NVAP Mtg 94 Agenda Item 3.1

Contact: Peter Farmer
Telephone: 8207 7704

Level 4
81-95 Waymouth St
ADELAIDE SA 5000

20 April 2020

GPO Box 1047
Adelaide SA 5001

Michelle Waters
Principal Environment – Analysis & Improvement
Minerals Australia – BHP Billiton Olympic Dam Corporation Pty Ltd
10 Franklin Street
Adelaide SA 5000

Ph| 08 8303 9777

nvc@sa.gov.au

cc: Andrew Sinel – Ecosphere Ecological Solutions

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

Dear Michelle,

RE: BHP BILLITON – OLYMPIC DAM TEMPORARY ACCOMMODATION CAMP

I refer to BHP Billiton's application dated 28th January 2020, in which approval was sought from the Native Vegetation Council (NVC) for the removal of native vegetation associated with the proposed temporary accommodation camp project at Olympic Dam under Schedule 1, Regulation 12(34) – *Infrastructure*.

At its meeting of 7th April 2020 the Native Vegetation Assessment Panel (NVAP) considered your application in conjunction with a report from the Native Vegetation Branch (NVB). The application for the development, as detailed in the amended Ecosphere report dated 6th March 2020, was considered against Schedule 1, Regulation 12(34) – *Infrastructure*.

NVAP considered that the proposed clearance of up to 42.52ha of native vegetation comprising; Northern Cypress Pine Open Woodland, Chenopod and Acacia Shrublands satisfies the requirements of Schedule 1, Regulation 12(34). In addition to recommended conditions of approval the NVAP sought; 1 - additional requirements of condition (1) that BHP Billiton address the mitigation hierarchy by demonstrating that clearance has been minimised within the final development footprint so as to encourage retention of native vegetation within the project area; and 2 – rewording of condition (7).

In addition to this application NVAP seeks to understand the broader impacts of future development proposed at Olympic Dam and Roxby Downs precincts on native vegetation and requests that BHP Billiton provide information on future developments and associated native vegetation clearance. Specifically, NVAP request that, prior to clearance occurring in accordance with this decision, that BHP Billiton provide details of all the clearance that is likely or expected to occur or be applied for, in relation to the development application; Olympic Dam – Resource Development Strategy and any other clearance that will not be accommodated by the Roxby Downs Indenture Act.

NVAP resolved to endorse the use of Schedule 1, Regulation 12(34) to clear up to 42.52 ha of native vegetation as described in the Olympic Dam SCM21 Temporary Accommodation Camp application including report titled: *Ecosphere Ecological Solutions (2020) Olympic Dam SCM21 Temporary Accommodation Camp Native Vegetation Clearance Proposal. Amended Report dated 06/03/2020* subject to:

1. Confirmation of final impact areas taking into consideration the mitigation hierarchy and demonstrating that clearance has been minimised within the final development footprint so as to encourage retention of native vegetation. If there is any change to the clearance requirement for the development, BHP Billiton Olympic Dam Corporation Pty Ltd. is to confirm the final clearance area and SEB offset requirement on finalizing the detailed design of the Olympic Dam SCM21 Temporary Accommodation Camp Project with the NVB prior to undertaking clearance. The extent of clearance must include, but not limited to clearance for construction of the temporary construction accommodation camp including road access, service corridors and ancillary infrastructure requirements;
2. Compliance with the regulation is subject to full development consent/s being granted by the relevant planning authority, Municipal Council of Roxby Downs under the *Development Act 1993* prior to any native vegetation clearance occurring on site.
3. Being granted approval from the landowner, DEW Crown Lands Program/National Parks and Wildlife Service Division prior to any native vegetation clearance occurring on site;
4. Clearance is restricted to approved areas (exempt) as shown on Regulation Advice Plan No 2020/3018/592;
5. A pre clearance survey is to be undertaken by a suitably qualified ecologist to determine the presence of fauna species immediately prior to commencement of vegetation clearance. Where fauna are identified with the inability to independently relocate easily, the impacted individuals are to be relocated to suitable habitat nearby under supervision of a suitably qualified ecologist.
6. A Significant Environmental Benefit offset requirement equivalent to 2456.24 SEB points based on 42.52ha clearance is to be delivered by the BHP Billiton by drawing on available SEB Credit from approved Emerald Springs (SEB Credit Ref. No. 2019/4002/010) SEB areas.
7. Site preparation, construction clearance area and rehabilitation activities will occur in accordance with an Environmental Management Plan(s) that is to be developed for the construction, rehabilitation and operational phases of the development as required under the *Development Act 1993*, for any forthcoming planning consent, 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;
 - Site rehabilitation;
 - Controlling the spread of pest plant and pathogenic material;
 - Managing browse pressure from feral animals and kangaroos on regenerating native vegetation within the development footprint.

Note: A draft of the plans should be submitted to the NVB for review prior to endorsement and initiating; and
8. The endorsement shall be valid for a period of 2 years from the decision date, after which time a new endorsement will be required.

Note: In respect of the proposed clearance you are informed that the Native Vegetation Council makes this decision in accordance with the *Native Vegetation Act 1991* and

accepts no responsibility to release the landowner from the requirements of the Commonwealth *Environment Protection & Biodiversity Conservation Act 1999*.

Please arrange for an authorised representative of BHP Billiton 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
for the
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: 2020/3018/692 BHP Billiton Olympic Dam Corporation P/L
OD Temporary Accommodation Camp

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:

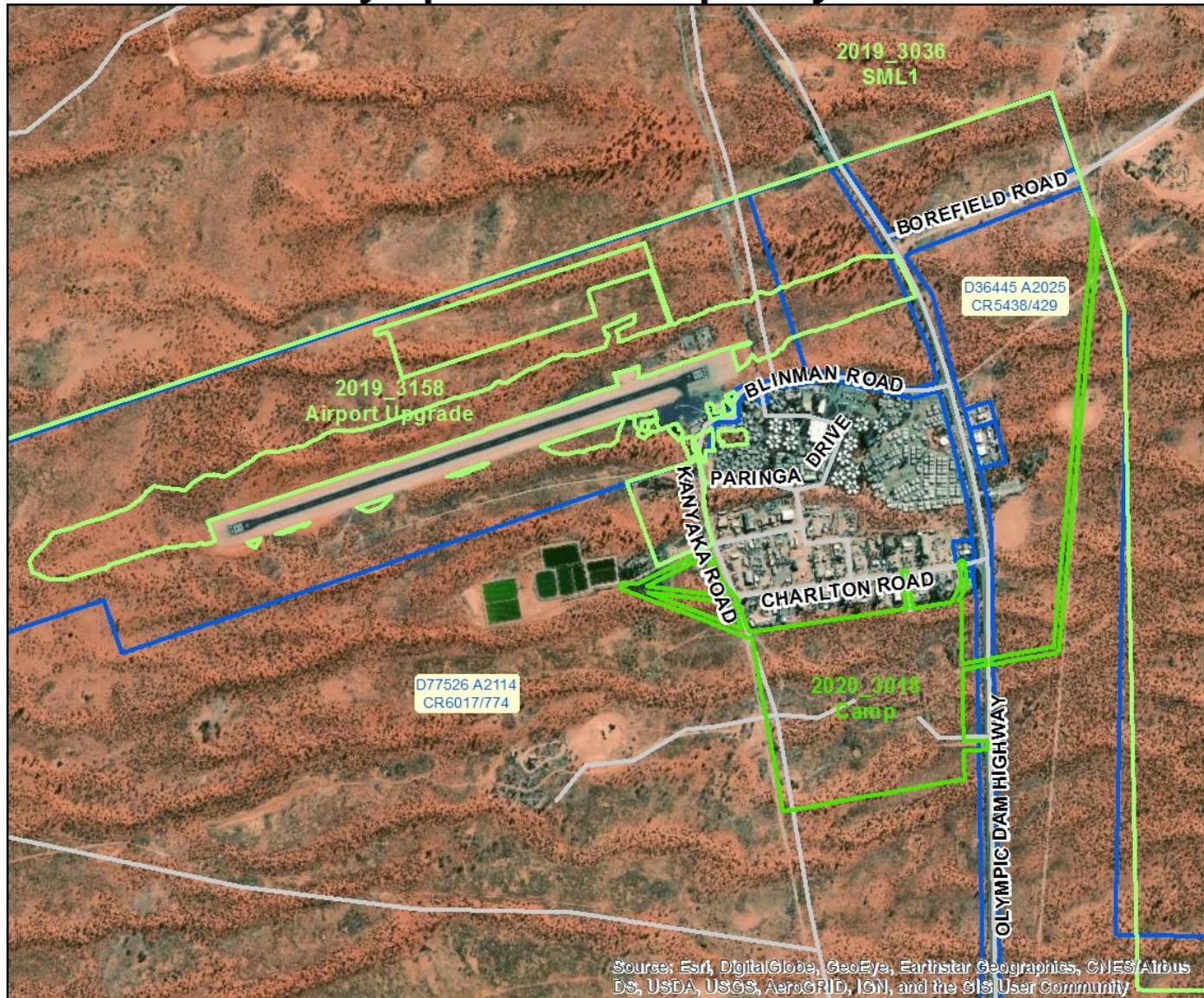
.....
.....
.....
.....

Date :

Native Vegetation Regulation 12(34) Application BHP Billiton - Olympic Dam Temporary Accommodation Camp



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. 2020/3018/692

OUT OF HUNDREDS (ANDAMOOKA)

D77526 A2114, CR Vol 6017 Fol 774
D36445 A2025, CR Vol 5438 Fol 429

-  Clearance exempt under Regulation,
subject to conditions
-  Previously approved applications
SML1 - Mine expansion 2019/3036 and
Airport Upgrade 2019/3158
-  Property/Section Boundary
-  Road

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

Imagery: Esri, DigitalGlobe, GeoEye, Earthstar Geographics,
CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the
GIS User Community

Date: 24/03/2020
Version: 01
Datum: GDA94

AO: PF

Decision date: 07/04/2020



Native Vegetation Council

Delegate, Native Vegetation Council

Dated: 20/04/2020

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus
DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

0 320 640 960 1,280 1,600 Meters

Scale: 1:20000

DISCLAIMER

The Department for Environment and Water its employees and servants do not warrant or make any representation regarding the use, or results of use of the information contained herein as to its correctness, accuracy, currency or otherwise.
The Department for Environment and Water, its employees and servants expressly disclaim all liability or responsibility to any person using the information or advice contained herein.

© Government of South Australia, through the Department for Environment and Water.
This work is Copyright. Apart from any use permitted under the Copyright Act 1968 (Cwth), no part may be reproduced by any process without prior written permission obtained from the Department for Environment and Water. Requests and enquiries concerning reproduction and rights should be directed to the Chief Executive, Department for Environment and Water, GPO Box 1047, Adelaide SA 5001.