



Reference Number: NVC FOI 21/02

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[Redacted]
[Redacted]
[Redacted]
[Redacted]

Dear [Redacted]

I refer to your application pursuant to the *Freedom of Information Act 1991* (the Act) received by the Department for Environment and Water (DEW) on 23 December 2021, seeking access to (verbatim):

*“Documents, regarding NVAP's Assessment and Approval of the NEOEN Native Vegetation Clearance Application for the Goyder South wind farm (GWF): GWF Stage 1A, GWF Stage 1B and Overhead Transmission Line and Substation which I have been informed was decided by NVAP with conditions on 26/10/2021/ Agenda documents and Minutes for the NVAP meeting on 26/10/2021 and any subsequent meetings where the application was discussed. Briefing notes and reports by DEW/NVAP staff provided as part of the Assessment. DEW/NVAP staff discussions/briefing notes/reports/summary of Public Submissions received. Responses from the applicant/ applicant's consultant ecologists to issues raised by: the Office of Minister Speirs; NVAP/DEW ; and in Public submissions. Note that I do not require the 6 application documents that were made publicly available on the DEW website during the public consultation period which ended 25/10/2021. (ie Stage 1a , Stage 1b & Transmission Line ,Attachments 1 , 2 & 3) as I downloaded these from the DEW website at the time.
Timeframe: 10/10/2021 – 23/12/2021.”*

As the documents sought were not held by DEW but relate directly to the Native Vegetation Council, this Freedom of Information (FOI) application was transferred to the Native Vegetation Council.

As the agency did not determine the application within 30 days of receiving it, by the operation of section 19(2)(b) of the FOI Act, the agency is taken to have determined the application by refusing access. Section 19(2a) of the FOI Act provides that an agency may give access to a document on an application after the period within which it was required to deal with the application (and any such determination is to be taken to have been made under this Act).

DETERMINATION

Searches of the Native Vegetation Council's records have found fourteen (14) documents, including attachments, held by this agency within scope of your request.

As Principal Officer, I have determined to grant you full access to eight (8) documents and partial access to four (4) documents. Four documents (or attachments) are considered fully or partially exempt as they are publicly available.

Section 20 of the Act provides that an agency may refuse access to a document if it is an exempt document under the Act. The documents, or parts of the document to which I am refusing access, the reasons for the refusal and the public interest test are summarised in the attached document schedule. The FOI Act exemption clauses relevant to this determination are listed below for your reference.

Schedule 1, Clause 4(1)(a) of the Act states:

4— Documents affecting law enforcement and public safety

(1) A document is an exempt document if it contains matter the disclosure of which could reasonably be expected—

(a) to endanger the life or physical safety of any person;

Schedule 1, Clause 6(1) of the Act states:

6— Documents affecting personal affairs

(1) A document is an exempt document if it contains matter the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

Information in documents not relevant to the scope of your application have been redacted.

The Council will provide the determination electronically.

In accordance with [PC045 – Disclosure logs for Non-personal information](#) once a determination has been provided, the agency is required to make available on our website information and documents that have been disclosed. Information will be publicised online at <https://www.environment.sa.gov.au/about-us/boards-and-committees/native-vegetation-council/nvc-foi-disclosure-log>.

FEES AND CHARGES

There will be no further charges to process this application.

YOUR APPEAL RIGHTS

If you are dissatisfied with this determination, you have the right to apply for an external review. All applications for an external review should be made to the Ombudsman SA.

An external review must be done within 30 calendar days after being notified of the determination. The Ombudsman SA can extend this time limit at their discretion. There is no fee or charge for external reviews undertaken by the Ombudsman. Contact details for the Ombudsman are:

Ombudsman SA
Phone: 8226 8699
Toll Free: 1800 182 150 (outside metro SA)
Email: ombudsman@ombudsman.sa.gov.au

Should an FOI applicant believe an agency has failed to identify all of the documents within the scope of their FOI application, they can make a complaint to the Ombudsman under the Ombudsman Act 1972. Attachment 4 of this determination outlines this process. You can also visit: www.ombudsman.sa.gov.au.

If you have any queries in relation to the above please contact a Freedom of Information Officer on telephone (08) 8303 9777 or email nvc@sa.gov.au.

Yours sincerely



Vaughan Levitzke PSM
Principal Officer, Freedom of Information
Native Vegetation Council

25/10/2022

Encl: 1. Document Schedule
 2. Documents
 3. FOI Fact Sheet – Your Rights to Review and Appeal
 4. Sufficiency of Search – Factsheet – Ombudsman SA

Native Vegetation Council - Freedom of Information application: NVC FOI 21/02

Scope: NVAP's Assessment and Approval of the NEOEN Native Vegetation Clearance Application for the Goyder South wind farm (GWF): GWF Stage 1A, GWF Stage 1B and Overhead Transmission Line and Substation which I have been informed was decided by NVAP with conditions on 26/10/2021

Agenda documents and Minutes for the NVAP meeting on 26/10/2021 and any subsequent meetings where the application was discussed.

Briefing notes and reports by DEW/NVAP staff provided as part of the Assessment.

DEW/NVAP staff discussions/briefing notes/reports/summary of Public Submissions received.

Responses from the applicant/ applicant's consultant ecologists to issues raised by: the Office of Minister Speirs; NVAP/DEW ; and in Public submissions.

Note that I do not require the 6 application documents that were made publicly available on the DEW website during the public consultation period which ended 25/10/2021. (ie Stage 1a , Stage 1b & Transmission Line ,Attachments 1 , 2 & 3) as I downloaded these from the DEW website at the time.

Timeline: between 1/01/2021 to 23/12/2021

Number	Date	Author	Description	Page number	No of Pages	Determination	Clause	Reason	Public Interest Test - Contrary to release	Public Interest Test - In favour of release
1	19/10/2021	DEW	Goyder Sth_Audit Report	1	10	<i>Partial release</i>	S6(1) - Documents affecting personal affairs	Signature withheld	The withholding of this information does not detract from the readability of the requested information.	
1.1	18/10/2021	EBS Ecology	E90101E_Goyder WF_Stage 1A_Native Vegetation Clearance Data Report_FINAL V2.3	N/A	N/A	<i>Out of scope</i>		As per application - this is not required (publically available)		
1.2	18/10/2021	EBS Ecology	E90101E_GoyderWF_Stage 1B_Native Vegetation Clearance Data Report_FINAL V2.3	N/A	N/A	<i>Out of scope</i>		As per application - this is not required (publically available)		
1.3	18/10/2021	EBS Ecology	E90101E_GoyderW_TransLine_Native Vegetation Clearance Data Report_FINAL V2.2	N/A	N/A	<i>Out of scope</i>		As per application - this is not required (publically available)		
2	18/10/2021	DEW	Information Plan	11	1	<i>Release in Full</i>				
3	19/10/2021	DEW	Decision_Plan1	12	1	<i>Release in Full</i>				
4	19/10/2021	DEW	Decision_Plan2	13	1	<i>Release in Full</i>				

5	19/10/2021	DEW	Decision_Plan3	14	1	Release in Full				
6	19/10/2021	DEW	Decision_Plan4	15	1	Release in Full				
7	Undated	Member of Public	Public comment	16	4	Partial Release	S4(1)(a)- Documents affecting law enforcement and public safety	Name and contact details of respondent withheld due to varying local sentiments regarding windfarms.	The withholding of this information does not detract from the readability of the requested information.	
7.1	2012	J. Turner	Recovery Plan for Iron-grass Natural Temperate Grassland of South Australia, 2012	N/A	N/A	Exempt	S20 - Refusal of access	Publicly available - https://www.agriculture.gov.au/sites/default/files/documents/iron-grass-ntg.pdf	Releasing the location of rare and endangered species may result in unauthorised collection of remaining specimens. The withholding of this information does not detract from the readability of the requested information.	
7.2	2012	J. Turner	Recovery Plan for the Peppermint Box Grassy Woodland of South Australia, 2012	N/A	N/A	Exempt	S20 - Refusal of access	Publicly available - https://www.agriculture.gov.au/sites/default/files/documents/peppermint-box-grassy-woodland.pdf		
7.3	2012	A. Duffy, L. Pound. And T. How	Recovery Plan for the Pygmy Bluetongue Lizard Tiliqua adelaidensis 2012	N/A	N/A	Exempt	S20 - Refusal of access	Publicly available - https://www.dcceew.gov.au/sites/default/files/documents/tiliqua-adelaidensis-2012.pdf		
8	26/10/2021	Native Vegetation Assessment Panel	Minutes of NVAP meeting 26 Oct 2021	20	5	Partial release	Out of scope s6(1) - Documents affecting personal affairs	Material out of the scope of the application has been withheld Personal information (signatures) withheld	Processing material that is out of scope of the applicant's request, including necessary consultations, if carried out would unreasonably divert the agency's resources from their use by the agency in the exercise of its functions. The withholding of this information does not detract from the readability of the requested information.	

9	17/11/2021 and 18/11/2021	Native Vegetation Council	Basecamp extract - OOS November 2021	25	2	Partial release	<i>out of scope</i>	<i>Material out of the scope of the application has been withheld</i>		
10	17/11/2021	Native Vegetation Council	2021_3219 Decision Notification (draft)	27	9	Release in Full				
11	17/11/2021	Native Vegetation Council	2021_3230 Decision Notification (draft)	36	8	Release in Full				
12	27/11/2021	Native Vegetation Council	2021_3231 Decision Notification (1) (draft)	44	8	Release in Full				
13	28/10/2021	Various project stakeholders	Email	52	59	Partial release	<i>S4(1)(a)- Documents affecting law enforcement and public safety</i> <i>S6(1) - Documents affecting personal affairs</i>	<i>Name and contact details of respondent withheld due to varying local sentiments regarding windfarms.</i> <i>Personal mobile numbers withheld.</i>	<i>The withholding of this information does not detract from the readability of the requested information.</i> <i>The withholding of this information does not detract from the readability of the requested information.</i>	
14	26/10/2022	Native Vegetation Council	2021/3219/422 2021/3230/422 2021/3231/422 Decision Notification	N/A	N/A	Exempt	<i>S20 - Refusal of access</i>	<i>Publicly available - https://cdn.environment.sa.gov.au/ environment/docs/NEOEN-stage-1A- 1B-and-Transmission-Line-DN.pdf</i>		



Native Vegetation Council

Regulation 16 of the Native Vegetation Regulations - Assessment Report

APPLICATION DETAILS

APPLICATION NO.	2021/3219/422
APPLICANT	NEOEN (Neoen Australia Pty Ltd) Contact: Tom Jenkins, Project Manager
PURPOSE OF CLEARANCE	To allow for the construction and operation of 75 wind turbine generators and associated infrastructure for the Goyder South Hybrid Renewable Energy Facility (the Goyder South Project) Stages 1A, 1B, transmission line (34km) and substation. Associated infrastructure includes access tracks, underground cabling and temporary construction compound.
SUMMARY OF PROPOSED CLEARANCE	Clearance of 452ha of native vegetation is proposed, 133ha for Stage 1A, 202.4ha for Stage 1B and 116.6 ha for the Overhead Transmission Line and Substation West. The proposed clearance of native vegetation is distributed over 24 vegetation associations with the majority of the proposed clearance impacting <i>Austrostipa</i> spp. (Spear Grass) Mixed Grassland (352ha) in low to moderate condition.
SUMMARY OF PROPOSED SEB	Combination of on-ground and financial SEB: NEOEN have negotiated with a local landowner to purchase land located south of GWF 1 Stage 1B, which includes the Worlds End Gorge. This land comprises two parcels totalling approximately 955 ha and is expected to provide the majority of the total required SEB associated with the entire Goyder South Project ('GWF 1 Stage 1A', 'GWF 1 Stage 1B' and the 'Overhead Transmission Line and Substation' stages). An on ground SEB of 931.07ha (7361.03 SEB point) in area is proposed with any shortfall to be discharged by payment to the Native Vegetation Fund of \$240,339.22 (\$227,809.69 to the Native Vegetation Fund, GST exclusive and \$12,529.53 Administration fee GST inclusive) equivalent to 567.75 SEB points, which meets the total 7928.78 SEB points required.
APPLICATION	Regulation 12, Schedule 1; Clause 34 – Infrastructure
RISK LEVEL	Level 4

Background

PROJECT DETAILS	<p>NEOEN Australia is proposing to construct the Goyder South Project which is located 5 km south of Burra and extends approximately 27 km south before terminating approximately 5 km north of Robertstown. The Goyder South Project Area covers a total area of approximately 30,000 ha and has a total asset footprint of approximately 3,300 ha which represents slightly more than 10% of the total area. The wind turbines are dispersed over an area of approximately 28,000 ha with the actual footprint approximately 0.1% of this. The Project Area is situated in an agricultural area, with land used for dryland agriculture, including cropping and grazing.</p> <p>The project, to be delivered in 3 stages combines wind, solar and energy storage in one integrated project. The facility will be capable of delivering a steady, reliable, dispatchable output of power throughout the day and night. The project will generate more than 4,800,000 MWh of power annually and is comprised of:</p> <ul style="list-style-type: none"> • Up to 163 wind turbines generators (WTG) with a capacity of up to 1200MW, a maximum hub height of 160m, a maximum blade length of 80m and an overall maximum height (tip height) of 240m; • A solar farm (across two sites) of up to 3000 ha of solar panels with a capacity of up to 600MW located in cleared, previously cropped sites;
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PROJECT DETAILS continued	<ul style="list-style-type: none"> • An energy storage facility (lithium ion battery) with a capacity of up to 900MW/1,800MWh (2 hours) located in cleared, previously cropped site; • Associated infrastructure for connection to the electricity grid including three substations, access tracks, underground connection cabling and overhead transmission lines; • Permanent operations and maintenance compounds; • Temporary construction compounds for both wind and solar components, including concrete batching plants; and • A number of meteorological masts <p>The current stages below are being considered in this application:</p> <table border="1"> <thead> <tr> <th>Stage</th> <th>Main infrastructure</th> <th>Native vegetation clearance</th> <th>Legal entity</th> </tr> </thead> <tbody> <tr> <td>GWF1Stage1A</td> <td>38WTGs;access tracks; cables</td> <td>Yes</td> <td>Goyder Wind Farm 1APty Ltd</td> </tr> <tr> <td>GWF1Stage1B</td> <td>37WTGs;access tracks; cables</td> <td>Yes</td> <td>Goyder Wind Farm1B Pty Ltd</td> </tr> <tr> <td>Overhead Transmission Line and Substation West</td> <td>Approx. 34km of overhead transmission line and substation to which both GWF1Stage1A and GWF1 Stage1B connect.</td> <td>Yes</td> <td>Goyder Wind Farm Common Asset Pty Ltd</td> </tr> <tr> <td>Battery</td> <td>Lithium-ion battery facility (900MW/1800MWh–2hours)</td> <td>Nil</td> <td>NEOEN Australia Pty Ltd</td> </tr> </tbody> </table>	Stage	Main infrastructure	Native vegetation clearance	Legal entity	GWF1Stage1A	38WTGs;access tracks; cables	Yes	Goyder Wind Farm 1APty Ltd	GWF1Stage1B	37WTGs;access tracks; cables	Yes	Goyder Wind Farm1B Pty Ltd	Overhead Transmission Line and Substation West	Approx. 34km of overhead transmission line and substation to which both GWF1Stage1A and GWF1 Stage1B connect.	Yes	Goyder Wind Farm Common Asset Pty Ltd	Battery	Lithium-ion battery facility (900MW/1800MWh–2hours)	Nil	NEOEN Australia Pty Ltd
Stage	Main infrastructure	Native vegetation clearance	Legal entity																		
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Battery	Lithium-ion battery facility (900MW/1800MWh–2hours)	Nil	NEOEN Australia Pty Ltd																		

NVAP / NVC Meetings	
REASON FOR PRESENTING THE APPLICATION FOR DECISION	Level 4 application requiring determination by the NVAP.

ASSESSMENT AGAINST REQUIREMENTS OF THE REGULATIONS

Regulation

Schedule 1	
<i>Schedule 1, Part 6 specifies the purposes of activities that can be considered under Regulation 16.</i>	
ASSESSING OFFICER ADVICE	Clause 34 <ul style="list-style-type: none"> - Clearance is required in connection with the provision of infrastructure or services - Development approval was granted for application (Application ID: 5332; Application number: 422/V009/20) on the 3 March 2021 by the Minister of Planning and Local Government.
RECOMMENDATION	The application meets the requirements to be considered under Regulations 16, Schedule 1, Clause 34

Risk assessment

Regulation 17 <i>When considering the information to be provided by an applicant, whether approval should be granted and the conditions of approval, the Native Vegetation Council must make an assessment of, and have regard to, the level of risk to biological diversity conservation presented by the clearance proposal.</i>
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Note; The Native Vegetation Council will have regard to the matters set out in the 'Guide for application to clear native vegetation' in determining the level of Risk (level 1, 2, 3 of 4). However, all decisions are made on merit against the requirements of the Act.	
ASSESSING OFFICER ADVICE	The assessment of the level of risk consistent with policy and is accepted.
RECOMMENDATION	The application represents a level 4.

Matters to be considered by the Native Vegetation Council

Regulation 19
Sets out the matters that must be considered by the Native Vegetation Council when making a decision.

Note; The Native Vegetation Council will have regard to the matters set out in the 'Guide for application to clear native vegetation' when considering the mitigation hierarchy and cumulative impacts. However, all decisions are made on merit against the requirements of the Act.

Consider the potential cumulative impact, both direct and indirect, that is reasonably likely to result from a proposed clearance activity.

ASSESSING OFFICER ADVICE	The assessment of the cumulative impacts is accepted.
RECOMMENDATION	All likely impacts on native vegetation have been adequately accounted for.

Apply Mitigation Hierarchy (avoid, minimise, restore and offset impacts on native vegetation), incorporating considerations for the following;

- Minimising potential impacts on biological diversity
- Minimising potential impacts on soil, water and other natural resources
- Minimising impacts on species or ecological communities listed as threatened under the *EPBC Act 1999*; or species listed as rare or threatened under the *NPW Act 1972*;
- Take into account the practicability and cost of any reasonable alternative to the proposed clearance

ASSESSING OFFICER ADVICE	<p>The information presented in the Data Report and the assessment against this Mitigation Hierarchy is accepted.</p> <p>This is demonstrated by NEOEN having undertaken numerous baseline and targeted flora and fauna surveys of the project area from 2008 to 2021. Targeted investigations include surveys of; Wedge-tailed Eagle and Peregrine Falcon nests (active and in-active), Peppermint Box (<i>Eucalyptus odorata</i>) Closed Woodland (potential EPBC Act Threatened Ecological Community), <i>Lomandra</i> grassland and potential Iron-grass Natural Temperate Grassland of South Australia TEC, Pygmy Blue-tongue Lizards (PBTs) and PBT habitat, and other threatened flora species such as <i>Dodonaea subglandulifera</i>, <i>Acacia spilleriana</i>, <i>Dodonaea procumbens</i> and <i>Olearia pannosa</i> ssp. <i>pannosa</i>. These surveys have informed NEOEN to avoid and/or minimise impacts on these and other ecological constraints by delineating an Ecological Protection Zone (EPZ) within the Goyder South Project Area, with the intention of limiting infrastructure within the EPZ. On undertaking further investigations, NEOEN adjusted the Project Area boundary to exclude majority of the EPZ from the Project Area, although the EPZ incorporating a large part of the pre-existing and pre-approved Stony Gap Wind Farm Project. With the exclusion of the EPZ, NEOEN have reduced the project footprint removing approximately 18 wind turbines from the original number of turbines proposed in January 2019 and redefined the Project Area boundary.</p> <p>While acknowledging that engineering and landscape constraints mean that clearing of native vegetation cannot be completely avoided, NEOEN have undertaken a number of actions to avoid and minimise impacts on native vegetation including:</p> <ul style="list-style-type: none"> • Site planning to enable NEOEN to locate most of the infrastructure on cleared farming land (either grazed or cropped); • NEOEN have withdrawn all infrastructure from a sensitive area (the EPZ) in the north-
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	<p>western part of the project area that was previously approved as part of the Stony Gap wind farm;</p> <ul style="list-style-type: none"> • NEOEN has sought and obtained approval in the development approval for micro siting of up to 200m to enable site sensitive responses for infrastructure that does not have locational flexibility (e.g., wind turbines). This will be addressed through implementation of a Construction Environmental Management Plan (CEMP) and working with the build contractor to avoid/minimise/mitigate impact to flora and fauna during construction. • The CEMP includes provision for a Flora and Fauna Management Plan. This plan will address site-specific management actions such as: <ul style="list-style-type: none"> ○ Maintaining 1km buffers and other management actions to protect active Wedge-tailed Eagle nests. ○ Micro siting of infrastructure in sensitive areas such as Pygmy Blue-tongue Lizard habitat or near threatened plant populations. ○ Future on-going flora and fauna monitoring programmes. • The Project includes both temporary and permanent clearance. Areas of temporary clearance will be rehabilitated as addressed in the CEMP.
RECOMMENDATION	The impacts of the clearance have been minimised.
Take into consideration comments from agencies or bodies provided in response to any request for comment made by the Council	
ASSESSING OFFICER ADVICE	A request for comment has been made to the Northern and Yorke Landscape Board. The opportunity to comment closes on 25 October 2021. At present no response has been provided.
RECOMMENDATION	NVAP to be briefed at meeting

Significant Environmental Benefit

Regulation 5, 16 and 20

In accordance with Regulation 5, any adverse impact on native vegetation or ecosystems that cannot be avoided or minimised must be offset by the achievement of a significant environmental benefit that outweighs that impact.

Regulation 20 stipulates an SEB can be achieved through the use of credit established or assigned in accordance with Section 25A or 25B of the Act, by an accredited third party provider in accordance with section 25C or through the establishment, regeneration or maintenance of native vegetation on land. Alternatively, in accordance with Regulation 16(2)(a)(ii) a payment into the Native Vegetation Fund of a sufficient amount to provide a Significant Environmental Benefit.

Note; The Native Vegetation Council will have regard to the matters set out in the 'Policy for a Significant Environmental Benefit' and the 'Guide to calculation a Significant Environmental Benefit' to guide the assessment of the adequacy and appropriateness of a proposed SEB. However, all decisions are made on merit against the requirements of the Act

ASSESSING OFFICER ADVICE	<p>NEOEN proposed to deliver the majority of the required SEB on ground with any shortfall by payment to the Native Vegetation Fund. Based on a sample of scoresheets the SEB points appear to have been calculated consistent with policy. A cumulative summary is provided below:</p>						
	Stage / Clearance Application	Area of Impact (ha)	Total Biodiversity Score	SEB Points Required	SEB Area Required (ha)	SEB Payment (\$)	Admin Fee (\$)
	GWF 1 Stage 1A	132.99	1633.20	1714.85	214.36	\$726,065.13	\$39,933.59
	GWF 1 Stage 1B	202.41	3317.66	3483.56	435.44	\$1,474,931.47	\$81,121.23
	Overhead Transmission Line and Substation	116.60	1083.11	2730.37	341.30	\$1,156,042.42	\$63,582.33
	Battery	0	0	0	0	0	0
	Totals	452	7772.09	7928.78	991.09	\$3,357,039.02	\$184,637.14
	A total payment of \$3,541,676.16 is required if not delivered on ground.						

On ground SEB Applicant proposes to establish SEB for Stage 1A, 1B, transmission line and substation on land that incorporates a section of the Burra Creek Gorge and Worlds End Gorge, have a third party partner manage the SEB and draw on credit for each further stages; 1B and transmission line.

The SEB meets the criteria set out in the SEB policy, specifically the eight requirements;

1. **Suitability of an SEB Area**
meets like for like requirements as the offset supports vegetation associations that are impacted by proposed clearance, including:
Eucalyptus porosa (Mallee Box) Open Woodland, 471ha
Austrorostipa spp. (Spear Grass) Mixed Grassland, 262ha
Six other vegetation associations
2. **Location of an SEB Area**
meets requirement as located in the same IBRA Association - Burra Hills and Sub Region – Broughton as where the majority of clearance is proposed
3. **SEB Area required**
Meets requirements with appropriate management the biodiversity value of the site is likely to increase
4. **Additionality**
It is proposed that the land within the proposed SEB Area will be purchased by NEOEN and transferred to the Crown for inclusion into the reserve system under the NP&W reserve system under the NP&W Act. The area is to be dedicated as a Conservation Park. The SEB area will be protected in perpetuity under the NP&W Act.
5. **SEB protection**
The proposed SEB Area is to be conserved in perpetuity first as an SEB area then incorporated into the NP&W reserve system.
6. **SEB management**
The SEB is to be managed in accordance with a management plan. Details of the third party partner management arrangement and management plan are in development as yet to be submitted to the Native Vegetation Branch for review, the plan is expected to be completed by July 2022.

Preliminary documentation and discussions indicate the management plan is likely to address the follow management obligations;
 - The control of weeds and pests
 - Exclusion of stock through the construction of fences
 - Revegetation or supplementary planting of deeper soil along the Burra Creek
 - Any specific threatened species management
 - Management of overabundant native species
 - Management of impacts associated with public access and exclusion from ecologically sensitive areas
 - Monitoring and reporting requirement
7. **Establishing an SEB Area**
The SEB is to be established over 931.07ha
8. **Revegetation or rehabilitation**
Is not required but may be part of management

Land title details for the proposed on ground SEB are:

Ownership:	In negotiation between NEOEN and current landowner		
Site Address:	1319 Koonoona Road, Burra		
Local Government Area:	Regional Council of Goyder	Hundred:	Apoinga
Title ID:	CT5283/658	Parcel ID	D42727 A7
	CT5283/659		D42727 A8

	<p>Payment SEB</p> <p>Based on the proposed on ground SEB there is a shortfall of 567.75 SEB points equivalent to a total payment of \$240,339.22 (\$227,809.69 to the Native Vegetation Fund, GST exclusive and \$12,529.53 Administration fee GST inclusive). It is understood that the SEB shortfall will be discharged by payment to the Native Vegetation Fund.</p>
RECOMMENDATION	<p>Based on preliminary information including SEB scoresheets, the proposed SEB is to be achieved by establishing a new SEB area that is to be managed by a Third Party (to be determined) to deliver 7361.03 SEB points with any SEB shortfall (567.75 points) being discharged by a payment into the Native Vegetation Fund, provides at total of 7928.78 SEB points which meets the 7928.78 SEB points required in association with the proposed clearance.</p> <p>Subject to review and endorsement of a detailed proposal and NVC approval of the management plan the proposed SEB is considered likely to provide a significant environmental benefit that outweigh the value of the vegetation to be cleared. If the on ground proposal is not supported, or isn't realized a total payment of \$3,541,676.16 (\$3,357,039.02 to the Native Vegetation Fund, GST exclusive and \$184,637.14 Administration fee GST inclusive) is required unless an alternative on ground SEB can be identified.</p>
<p>Regulation 16(2)</p> <p><i>In accordance with Regulation 16(2)(a)(i), 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 (except where there will be a payment into the Native Vegetation Fund in accordance with Regulation 16(2)(a)(ii)).</i></p>	
ASSESSING OFFICER ADVICE	A detailed management plan is yet to be submitted
RECOMMENDATION	Although the proposed management plan has not been reviewed preliminary information indicates proposed management is sufficient to provide the necessary significant environmental benefit, subject to review of the plan.

Comments provided

<p>Regulations 18(3)</p> <p><i>In accordance with Regulation 18, the Native Vegetation Council must allow any person who desires to do so to make representations in writing to the Council, within 28 days of the day on which the application is received, in relation to the granting or refusal of approval.</i></p>	
ASSESSING OFFICER ADVICE	The application is open for comment until 25 October 2021. At present no comments have been received.
RECOMMENDATION	NVAP to be briefed at meeting

Other matters relevant to the Decision

ASSESSING OFFICER ADVICE	<p>NEOEN lodged a number of referrals to the Commonwealth Government under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act) for stages of the development. A decision was made under Section 75 of the EPBC Act determining that following:</p>		
	EPBC No	Project Stage	Decision
	2021-8957	Wind Farm 1A	Controlled action - PBTL, preliminary documentation.
	2021-8958	Wind Farm 1B	Controlled action – INTG, PBTL, preliminary documentation.
	2021-8959	Transmission Line and Substation	Controlled action – INTG, preliminary documentation.
	2021-8960	Battery storage	Not controlled action
RECOMMENDATION	For noting.		

Summary of key consideration relevant to making a decision	
ASSESSING OFFICER ADVICE	<p>NVAP may wish to consider the following:</p> <ul style="list-style-type: none"> - NVAP should consider if the requirements of the Mitigation Hierarchy have been adequately addressed. - NVAP need to be satisfied there will be a sufficient SEB that outweighs the impact. In this instance, the proposed SEB is aligned with NVC policy, therefore NVAP should consider if an SEB is likely to be achieved.

Recommended Decision

Regulation 16(1)									
<i>Clearance of native vegetation can be undertaken in accordance with the written approval of the Council</i>									
COMMENDED DECISION	<p>That the Native Vegetation Council;</p> <ol style="list-style-type: none"> 1. Consents to the clearance of 452 ha of native vegetation identified in application documentation for the Goyder South Hybrid Renewable Energy Facility Stages 1A (132.99ha), 1B (202.41), transmission line and substation (116.6ha). As shown in the area on the attached Decision Plan(s) 2021/3219/422-1, 2 & 3 of 4 for the purpose specified in this decision. 								
REASON FOR DECISION	<p><u>Consent</u> The clearance satisfies the requirements of Native Vegetation Regulation 12; Schedule 1, Clause 34</p>								
Regulation 16(2)									
<i>In accordance with Section 16, the Native Vegetation Council must attach conditions for the achievement of the Significant Environmental Benefit and any other conditions as Council thinks fit.</i>									
RECOMMENDED CONDITIONS	<ol style="list-style-type: none"> 1) The applicant must ensure that only native vegetation approved for removal in accordance with this decision is removed. Prior to clearance commencing, the applicant must advise all persons undertaking the vegetation removal or working on site, of all relevant conditions of approval and associated statutory requirements. 2) If there is any change to the clearance requirement for the development, NEOEN is to confirm the final clearance area and SEB offset requirement on finalising the detailed design of the Project prior to undertaking clearance that varies from this decision. 3) No clearance to occur until Development Approval has been obtained under the <i>Planning, Development and Infrastructure Act 2016</i> (including Building Rules Consent where required). <i>Note: It is acknowledged that development approval was granted for (Application ID: 5332; Application number: 422/V009/20) on the 3 March 2021.</i> 4) Prior to clearance commencing, the applicant must define the area or trees 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. 5) A Significant Environmental Benefit offset equivalent to 7928.78 SEB points, is required to offset the proposed clearance. SEB requirements for each stage of the Project are: <table border="1" data-bbox="400 1991 1214 2054"> <thead> <tr> <th>Project</th> <th>Impact Area</th> <th>SEB Pts</th> <th>Total Payment</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table> 	Project	Impact Area	SEB Pts	Total Payment				
Project	Impact Area	SEB Pts	Total Payment						

Stage 1A	132.99	1,714.85	\$ 765,998.72
Stage 1B	202.41	3,483.558	\$ 1,556,052.69
Transmission Line	116.6	2,730.372	\$ 1,219,624.75
SEB GRAND TOTAL	452	7,928.78	\$ 3,541,676.16

- 6) The Significant Environmental Benefit (SEB) (equivalent to 7,928.78 SEB Points) to is to be achieved by the applicant in accordance with the following management actions, which must be completed prior to 1 July 2022;
- a) Complete vegetation and fauna assessments of the SEB area as delineated in the attached Plan numbered 2021/3219/422-4;
 - b) Provide a report to the Native Vegetation Council to confirm the SEB points provided by the SEB area (preliminary assessments have determined the area provides 7361.03 SEB points);
 - c) An SEB management plan to be provided to the Native Vegetation Council for consideration and endorsement. The Management Plan must provide for the permanent protection of the land for the purpose of growth of native vegetation and management of environmental threats and degrading processes, and specifically must address the following;
 - I. 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;
 - II. 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);
 - III. Undertaking an effective and ongoing weed and declared animal pest control program within the SEB area to ensure the successful regeneration of native vegetation in the area.
 - d) Obtain ownership of the land containing a minimum area of 931.07ha in the area delineated as the SEB area;
 - e) Transfer the ownership of the land to the Department for Environment and Water of inclusion into a Reserve under the National Parks and Wildlife Act 1972;
 - f) Provide the Native Vegetation Council with evidence of a contractual arrangement with the Department for Environment and Water for the implementation of the approved SEB Management Plan, including the transfer of any funding for the implementation of the Plan.
 - g) Any shortfall in SEB points provided by the SEB area required to offset the clearance (7,928.78 SEB Points required) is to be achieved by making a payment into the Native Vegetation Fund. The shortfall is currently considered to be equivalent to 567.75 SEB points which requires a payment of \$240,339.22 (\$227,809.69 to the Native Vegetation Fund - GST exclusive

	<p>and \$12,529.53 Administration fee - GST inclusive) to the Native Vegetation Fund, and is to be made within one month of the invoice date. The amount required to be paid into the fund will be determined by the Native Vegetation Council subsequent to the successful completion of subsection b of this condition.</p> <p>h) If the applicant advises the Native Vegetation Council that any of the proposed stages of clearance (stage 1a, stage 1b and transmission line) will not proceed, the required SEB payment will be adjusted accordingly and any surplus SEB points provided by the SEB area will be recognised as SEB points of credit in accordance with Section 25A of the Act.</p> <p>7) If the Native Vegetation Council considers condition 6 has not be complied with prior to 1 July 2022, the SEB will be required to be achieved by making a total payment of \$3,541,676.16 into the Native Vegetation Fund (\$3,357,039.02 to the Native Vegetation Fund - GST exclusive and \$184,637.14 Administration fee - GST inclusive) equivalent to 7928.78 SEB points. The payment is to be made within one month of the invoice date.</p> <p>8) Members of the NVC or a person who is an authorised officer under the 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.</p> <p>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.</p> <p>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.</p> <p>11) The applicant must adequately inform any prospective purchaser, lessee or occupier of the land affected by conditions in this consent, of the relevant conditions.</p>
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ASSESSING OFFICER	Peter Farmer – 19/10/2021	
DELEGATE	Referred to NVAP	Adam Schutz 20/10/2022 S6(1)

Attachments

1. E90101E_Goyder WF_Stage 1A_Native Vegetation Clearance Data Report_FINAL V2.3

2. E90101E_GoyderWF_Stage 1B_Native Vegetation Clearance Data Report_FINAL V2.3
3. E90101E_GoyderW_TransLine_Native Vegetation Clearance Data Report_FINAL V2.2



Native Vegetation Clearance Application



INFORMATION PLAN

TO FORM PART OF THE DECISION OF THE
NATIVE VEGETATION COUNCIL

APPLICATION NO. 2021/3219/422

HUNDREDS of APOINGA, BALDINA,
BRIGHT & KOORINGA

Multiple Land Parcels

-  Goyder South Project Boundary
-  Project Stage Boundary
-  SEB Area
-  Road

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

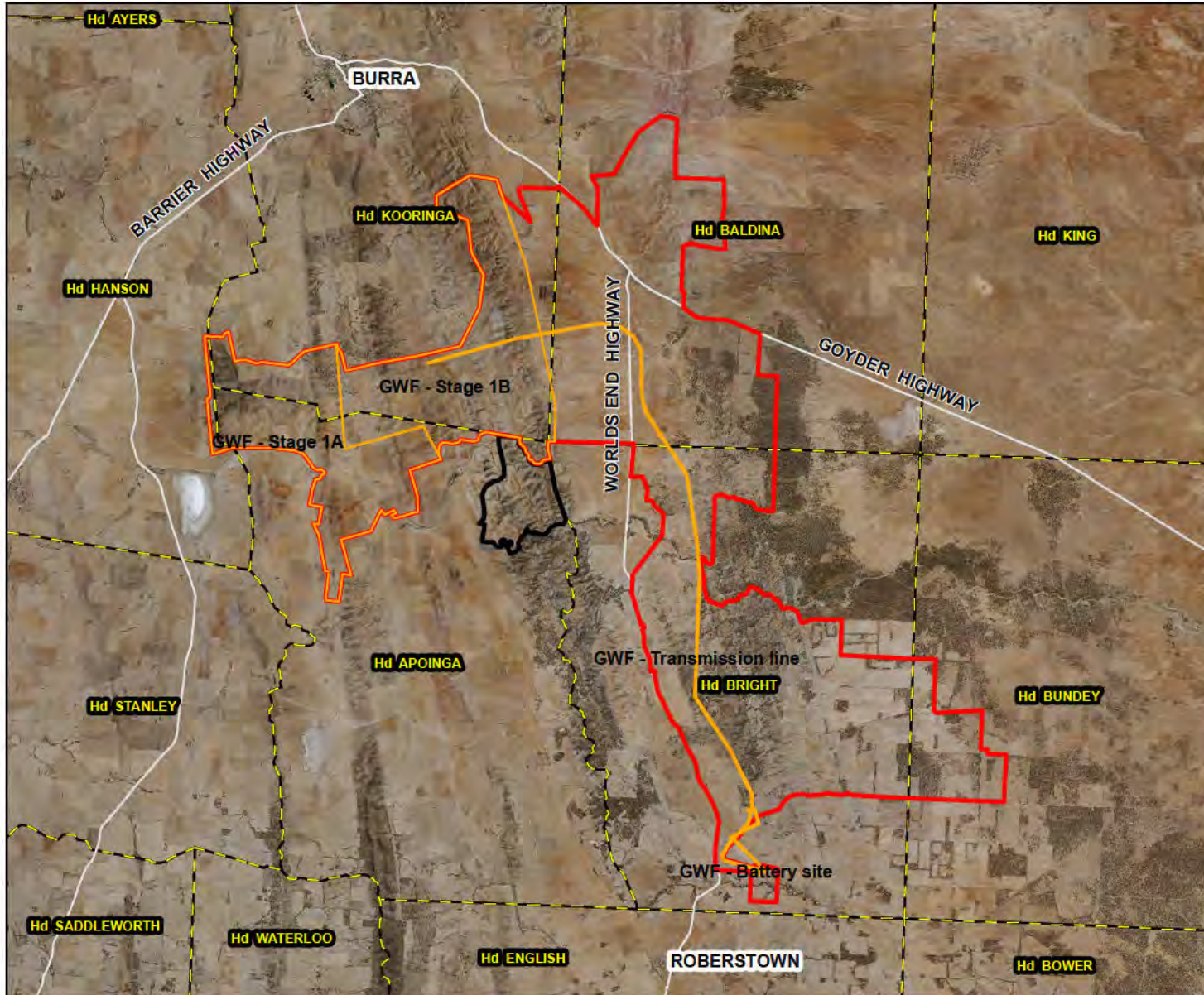
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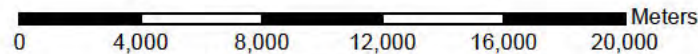
Delegate, Native Vegetation Council

Decision Date:



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Native Vegetation Clearance Application



DECISION PLAN (1 of 4)

TO FORM PART OF THE DECISION OF THE NATIVE VEGETATION COUNCIL

APPLICATION NO. 2021/3219/422

HUNDREDS of APOINGA, BALDINA, BRIGHT & KOORINGA

Multiple land parcels

-  Conditional Consent
-  SEB Area
-  Project Stage Boundary
-  Property/Section Boundary
-  Road

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

Imagery: Greater Murraylands 6-29Feb2020 17cm

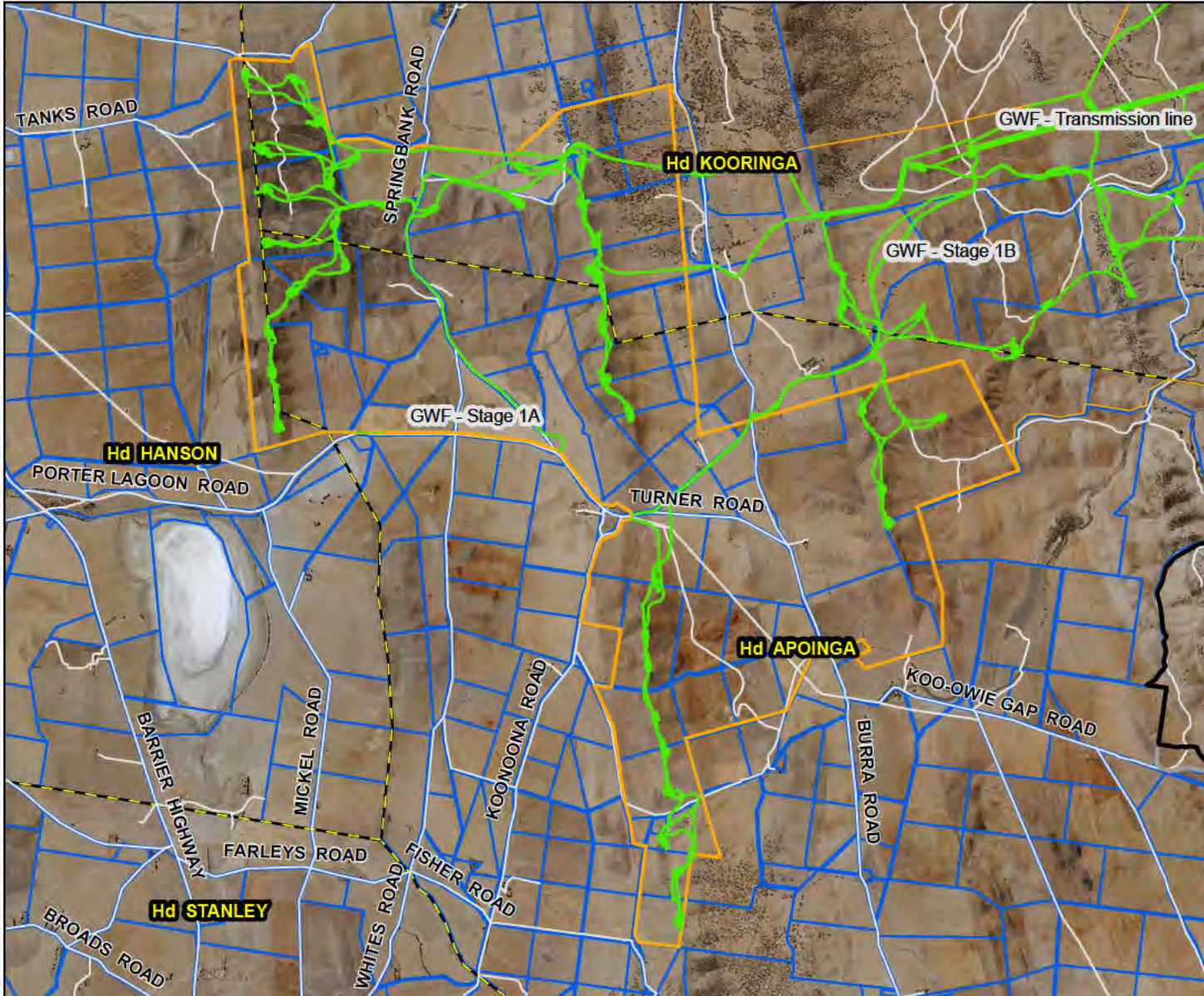
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Native Vegetation Council

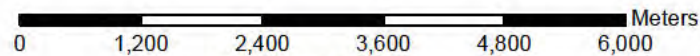
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Decision Date:



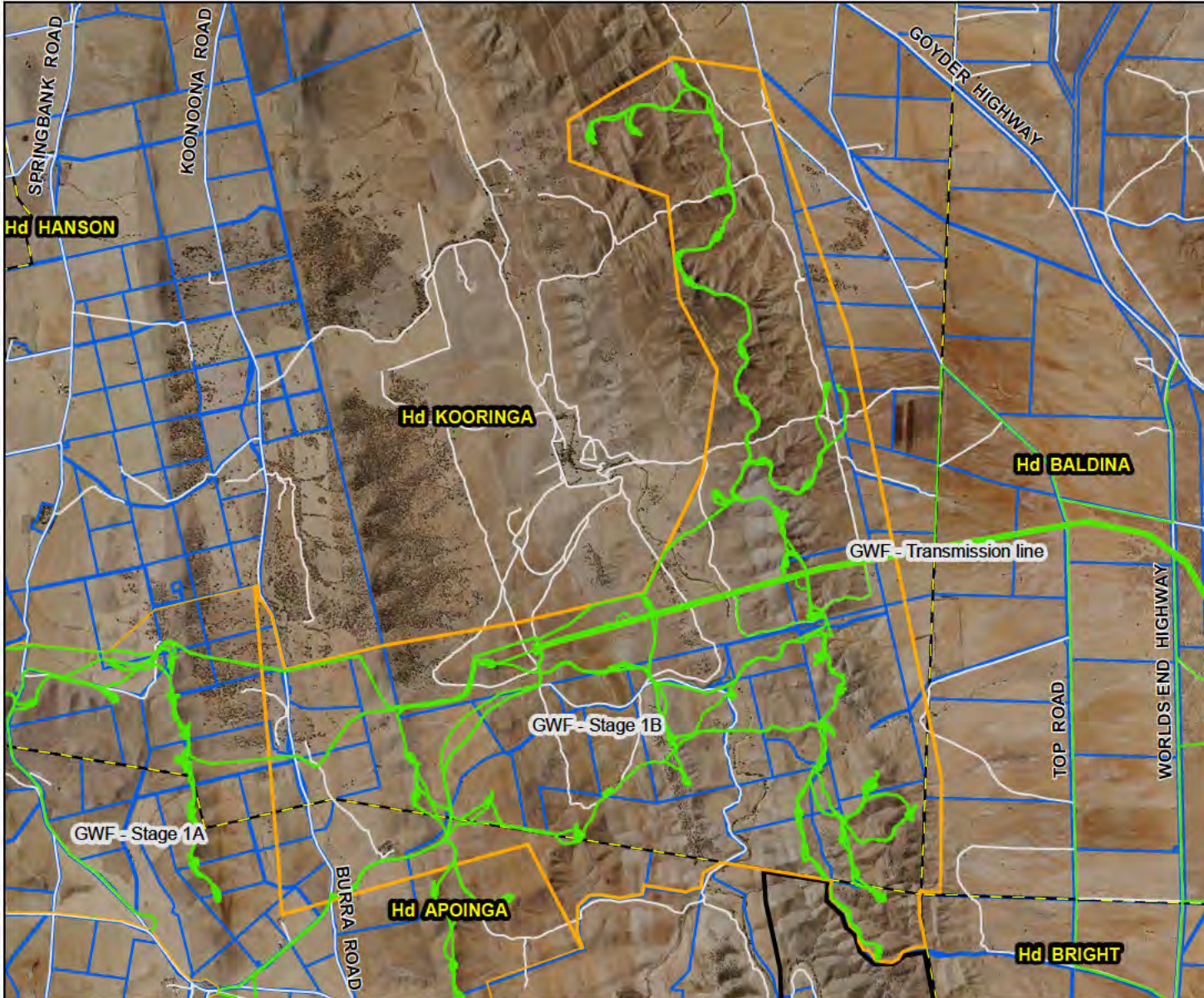
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Native Vegetation Clearance Application



DECISION PLAN (2 of 4)

TO FORM PART OF THE DECISION OF THE
 NATIVE VEGETATION COUNCIL

APPLICATION NO. 2021/3219/422

HUNDREDS of APOINGA, BALDINA,
 BRIGHT & KOORINGA

Multiple land parcels

-  Conditional Consent
-  SEB Area
-  Project Stage Boundary
-  Property/Section Boundary
-  Road

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

Imagery: Greater Murraylands 6-29Feb2020 17cm

Date: 19/10/2021
 Version: 01
 Datum: GDA94



Native Vegetation Council

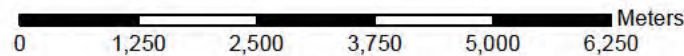
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Decision Date:



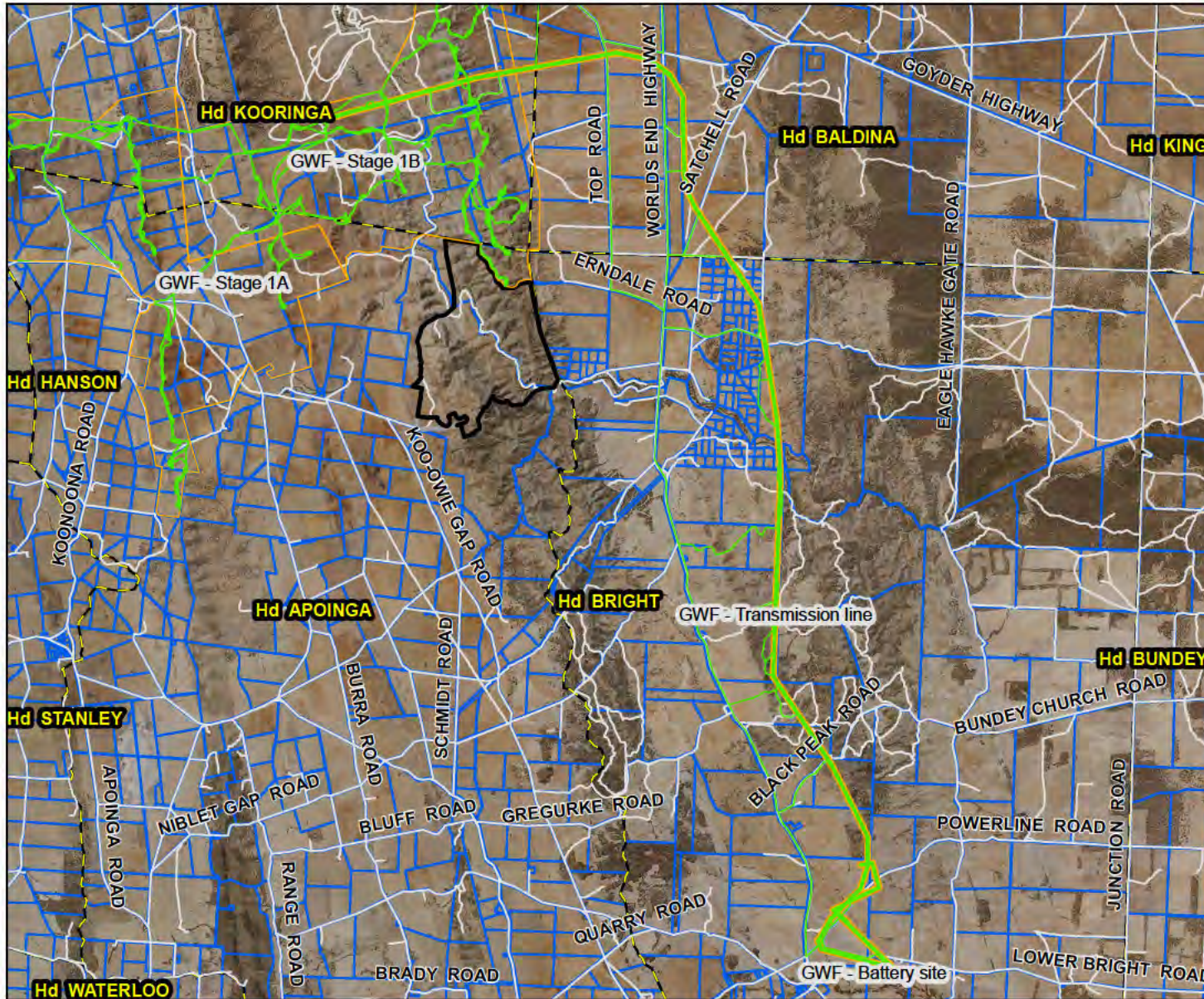
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Native Vegetation Clearance Application



TO FORM PART OF THE DECISION OF THE
 NATIVE VEGETATION COUNCIL

APPLICATION NO. 2021/3219/422

HUNDREDS of APOINGA, BALDINA,
 BRIGHT & KOORINGA

Multiple land parcels

-  Conditional Consent
-  SEB Area
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Produced for: Native Vegetation Council
 By: Native Vegetation Branch
 Department for Environment and Water

Imagery: Greater Murraylands 6-29Feb2020 17cm

Date: 19/10/2021
 Version: 01
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Native Vegetation Council

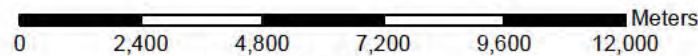
Delegate, Native Vegetation Council

Decision Date:



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