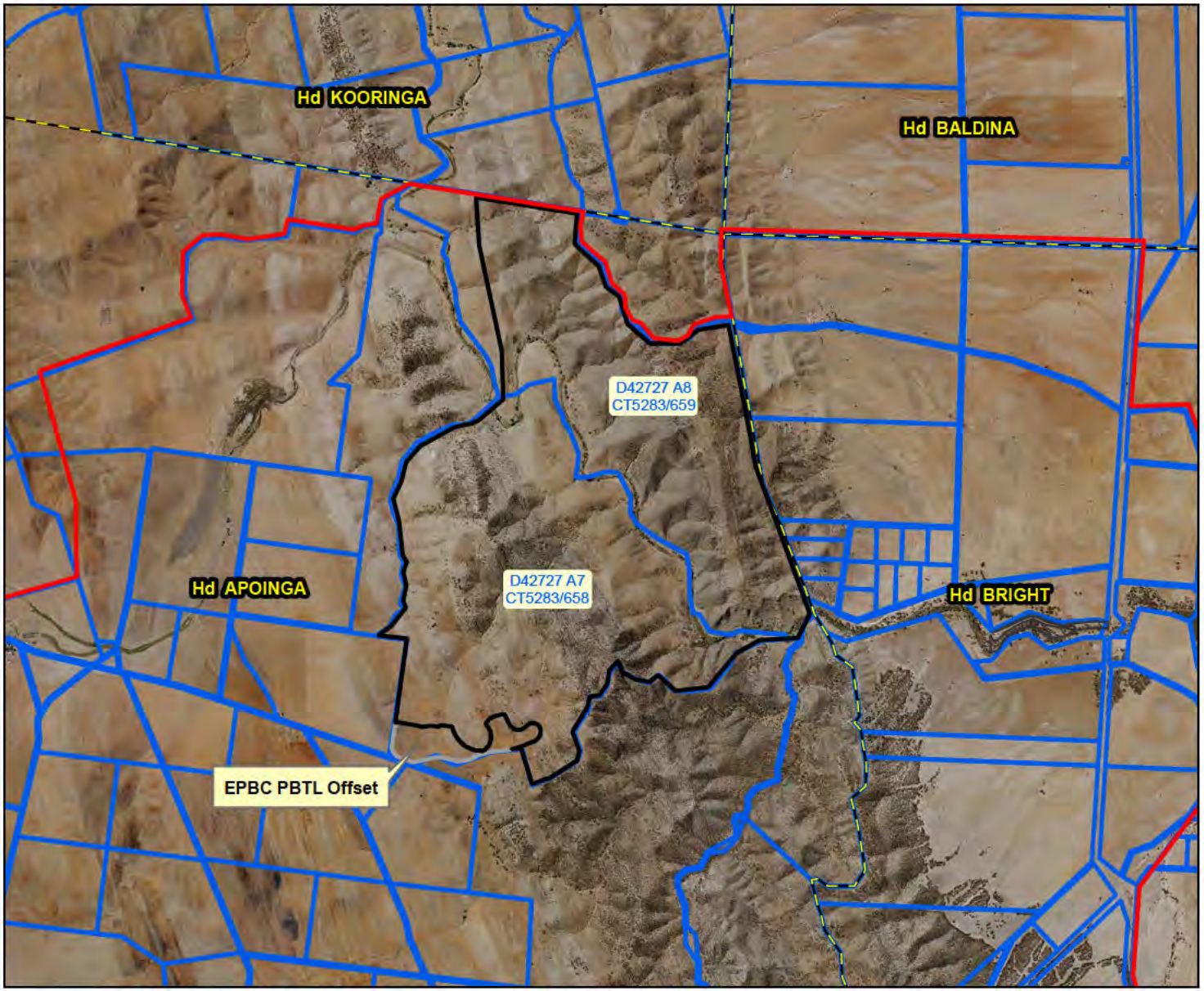
Government of South Australia
Department for Environment and Water

Native Vegetation Clearance Application



DECISION PLAN (4 of 4)

TO FORM PART OF THE DECISION OF THE NATIVE VEGETATION COUNCIL

APPLICATION NO. 2021/3219/422

HUNDREDS of APOINGA, BALDINA, BRIGHT & KOORINGA

D42727 A7
Certificate of Title Vol 5283 Fol 658
D42727 A8
Certificate of Title Vol 5283 Fol 659

Goyder South Project Boundary

SEB Area

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

Delegate, Native Vegetation Council

Decision Date:

N

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Native Vegetation Council

Consultation on native vegetation clearance applications

Submission form

You're invited to submit your views on applications to clear native vegetation.

Submissions will assist the Native Vegetation Council to make decisions about the removal and reestablishment of native vegetation in line with the *Native Vegetation Act 1991* and *Native Vegetation Regulations 2017*.

If you have any questions or require assistance completing this form, please contact the Native Vegetation Branch on (08) 8303 9777 or email nvc@sa.gov.au.

Name of clearance application that you are responding to:

NEOEN Goyder South Hybrid Renewable Energy Facility – Stage 1a, 1b and Transmission Line

Your details

Name	S4(1)(a)
Organisation	
Phone number	
Email	
Would you like your comments to be anonymous on the public record? All submissions will be provided in full to the Native Vegetation Assessment Panel for consideration. Copies of submissions may also be requested by the applicant and/or members of the public. Please select yes if you would like your comments to remain anonymous if a request is made.	Yes/No
Are you happy to be contacted by the Native Vegetation Branch to discuss your submission?	Yes/No
	Preferred time and method of contact: Anytime

Would you be interested in presenting your submission to the Native Vegetation Assessment Panel if invited?	Yes/No
Would you like to be notified of other consultations being run by the Native Vegetation Council? Tick yes to be added to our consultation e-newsletter distribution list.	Yes/No

Comments in response to application

**Please note: It is not compulsory to answer all of the questions. We recommend that you concentrate on the questions that you can confidently answer and leave the others blank.*

1. Please provide a brief summary of the main reasons you are making a submission.
NEOEN Goyder wind farm stage 1 and 2, and transmission line and all other NEOEN wind farm projects in all areas show no consideration for the area's biodiversity. I question if NEOEN understands what biodiversity genuinely involves? This project shows no respect to the environmental groups who have put years of effort into the area to improve and preserve all aspects of biodiversity. These projects go against the 'Recovery Plan for the Pygmy Bluetongue Lizard', the 'National Recovery Plan for the Iron-grass Natural Temperate Grassland of South Australia ecology community' and 'National Recovery Plan for the Peppermint Box Grassy Woodland of South Australia'.

2. Are there other sites available for carrying out the proposed activity that would result in no or less vegetation clearance and/or impacts on biodiversity? There may be alternative sites on property owned by the applicant, or the applicant could purchase or lease alternative land.
There should be a strategic assessment on the cumulative impact on the whole area and surrounding areas.

3. How could the size, design or construction method of the proposed activity be changed to prevent or reduce impacts on biodiversity? This may include removing elements of the development that will have unacceptable impacts.
Biodiversity is more than one aspect of an area, and in that direct area. For example, the relationships between migrating birds that may not be in that all year, but rely on the water and nesting sites in the area.

4. What other actions could be undertaken by the applicant and its contractors during the construction and undertaking of the proposed activity to prevent or reduce impacts on biodiversity?
There is no action that can replace the impact that bulldozing and blasting have on the area. The construction of a windfarm over such large areas is more significant than the area that a turbine occupies.

5. Are there any other measures that could be adopted by the applicant to prevent or reduce clearance of native vegetation and/or impacts on biodiversity?
Unfortunately, there is no replacement for the precious ecosystems that would be destroyed throughout these projects.

6. Has the applicant adequately demonstrated how they will undertake the ongoing monitoring and management of issues associated with the proposed activity, such as weed and pest invasion? If not, what other actions should the applicant commit to?
There is no consideration, or at least no documented consideration, of the timeframe it would take to rejuvenate and rebuild the ecosystem and biodiversity that has taken hundreds of years to develop. Replanting of vegetation replaces the presence of a tree, but not the hollows, root system, shade and branches that animals now rely on. Such features develop over years and years.

7. Has the applicant adequately demonstrated that they can re-instate vegetation as much as possible through restoration activities once the proposed activity has ceased? If not, what other actions should the applicant commit to?
See above answer.

8. Are there other opportunities for delivering the required Significant Environmental Benefit offset (if applicable) that would produce better environmental outcomes?

9. Please provide any additional records or anecdotal evidence on the flora and fauna located in the clearance area that the Native Vegetation Assessment Panel should consider when reviewing the application.
Referring to the 3 recovery plans mentioned in question 1, there are many endangered species that rely on the ecosystem that these projects will be impacting. I again express my suggestion of a cumulative strategic assessment. The overall catalogue of flora and fauna is not communicated by NEOEN, and again does not consider the overall biodiversity that occupies the areas, at all times of the year.

10. If you believe that clearance consent should not be granted, please outline your reasons and provide any additional information available to support your position.
The hilltops from Burra and heading south from Burra are the last preserved, or uncompromised regions for flora and fauna in the area as no chemicals and cultivation can reach. There should be a strategic assessment on the cumulative impact of wind farm projects proposed by NEOEN, before the applications are even considered by the panel. I strongly encourage that the recovery plans referred to in question one are reviewed, particularly page 13, part E (Known and Potential Threats) in 'Recovery Plan for the Pygmy Bluetongue Lizard'.

Declaration

☐	I hereby certify that to the best of my knowledge the information provided in this submission is complete and correct and no information is false or misleading.

Lodging your form

Send your completed submission to the Native Vegetation Branch via:

Email: nvc@sa.gov.au.

Post: GPO Box 1047 Adelaide SA 5001

NATIVE VEGETATION ASSESSMENT PANEL

NVAP Meeting 104, 26 October 2021

Department for Environment and Water, 81-95 Waymouth Street, Adelaide

Acknowledgment

NVAP acknowledges Aboriginal people as the First Peoples and Nations of the lands and waters we live and work upon and we pay our respects to their Elders past, present and emerging. We acknowledge and respect the deep spiritual connection and the relationship that Aboriginal and Torres Strait Islander people have to Country.

MINUTES

Item	Issue/Topic	Points of Discussion	Actions	Resolution
1.	**Meeting opened at 9.30am** Welcome and Apologies	Material not relevant to scope of application		
1.1.	**Declaration of Conflict of Interest**			
1.2.	**Minutes of Previous Meeting and Out of Session Business**			
1.3.	**Outstanding Actions from previous meeting**			

2.	**Clearance under the Act**			
	Nil.			
3.	**Clearance under the Regulations**			
3.1.	2021/3219/422 – NEOEN Goyder South Renewable Energy Hub	Coordinator, Complex Assessments Adam Schutz and Assessing Officer, Peter Farmer provided background on the item. NVAP discussed: • The infrastructure regulation; • The management plan and micrositing; • No comment received as yet from Northern and Yorke Landscape Board; • NVAP have seen an increase in these types of projects and will expect to see more development related to the interconnector; • Cumulative impacts; • EPBC matters; • Impact on lizard populations and research; and • Indirect effects in particular the watercourse – construction for crossings, no effect on watercourse flow or downstream. NVAP noted that the NEOEN project team have been reasonably proactive. Clearance has been minimised to impact the most degraded areas – impact within the project boundaries is approximately 6% - within the larger project area the impact is minimal. NVAP also noted that the proposed SEB appears good with sufficient management gains to be achieved. The land will be		NVAP provides consent 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.

		purchased, and through a contractual arrangement, Parks will manage it. NVAP noted the public submission and two further submissions received late on 25 October 2021. Comments are made on the cumulative impacts in the region over time and the need for a broader strategic assessment. Also of concern is the Pigmy Bluetongue, turbine impacts to birds, concern over nearby lagoons, and the active Wedgetail Eagle nest on an adjacent property (which EBS investigations did not identify). Adam Schutz noted that NEOEN have asked for alterations to the decision presented to NVAP. The reference to building rules consent will be removed in the conditions, and the decision will be split into three (as per the initial application) for financing purposes. Revised decisions will be placed on Basecamp.		
3.2	2021/3221/922 – Cowell Foreshore	Material not relevant to scope of application		

		Material not relevant to scope of application

		Material not relevant to scope of application		
4.	**Significant Environmental Benefit**			
4.1	Nil.			
5.	**Compliance**			
5.1	**Nil.**			
6.	**Other Business**			
6.1	**Nil.**			
7.	**Meeting Close**	Meeting closed at 11.06am.		

MINUTES CONFIRMED

S6(1)

.....

Vaughan Levitzke PSM
Chair
Native Vegetation Assessment Panel
30/11/2021

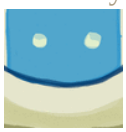
S6(1)

.....

Fiona Galbraith
Coordinator, Governance and Policy (Minutes)
Native Vegetation Branch
30/11/2021

OOS November 2021 - decisions for finalisation

Posted by Nicole Westbury on Nov 17, 2021



Good afternoon Vaughan

Attached are a number of NVAP decisions for your review and approval to use your e-signature. Attachments include:

- Information not relevant to scope
- Decision notification to Neoen re construction of 38 wind turbine generators (stage 1A)
- Decision notification to Neoen re construction of 37 wind turbine generators (stage 1B)
- Decision notification to Neoen re construction of overhead transmission Line

Apologies for the delay, these were held up while we were waiting on a response from the applicant.

Please let us know if you require any clarifications,
Kind regards
Nicole Westbury

2021_3219 Decision Notification.pdf

Label...

2021_3230 Decision Notification.pdf

Label...

2021_3231 Decision Notification.pdf

Information not relevant to scope

Label...

View all of these files at once • Download all of these files

Discuss this message

Vaughan Levitzke

I approve use of my signature for the Neoen proposal with one minor change my signature block is Vaughan Levitzke PSM - thanks

Posted on Nov 18, 2021 – Edit or Delete

Information not relevant to scope

Vaughan Levitzke

In reference to NEOEN that approval is in relation to all 3 decisions. Thanks

Posted on Nov 18, 2021 – Edit or Delete

Native Vegetation Council

81-95 Waymouth St, ADELAIDE SA 5000 | GPO Box 1047, ADELAIDE SA 5001
Ph| 08 8303 9777; Email| nvc@sa.gov.au

DECISION NOTIFICATION
Native Vegetation Regulations 2017

Application Number: 2021/3219/422

To: NEOEN
Attn: Thomas Jenkins
Level 6, 16 Marcus Clarke Street
CANBERRA, ACT 2601
Email: tom.jenkins@neoen.com

Date Received: 24/09/2021
Date Registered: 13/10/2021

Applicant	NEOEN (Neoen Australia Pty Ltd) Contact: Tom Jenkins, Project Manager
Landholder	Multiple landholders
Purpose of application	Clearance of native vegetation for the construction of 38 wind turbine generators, access tracks and cables for Stage1A of the Goyder South Project
Description of native vegetation under application	A total of 132.99 ha of native vegetation consisting of; - 11.06 ha of *Lomandra multiflora ssp. dura / Lomandra effusa* Mixed Open Grassland - 4.69 ha of *Eucalyptus leucoxylon ssp. pruinosa* Open Woodland - 115.90 ha of *Austrostipa spp*. Mixed Open Grassland - 1.52 ha of *Callitris gracilis* Low Open Woodland - 0.22 ha of *Allocasuarina verticillata* Open Woodland over *Bursaria spinosa ssp. spinosa* and *Austrostipa spp*.
Location of the application	Located approximately 15km south of Burra and 12km east of Farrell Flat, across the areas known as Burra, Hanson, Porter Lagoon, Koonoona and Apoinga. 82 Land Parcels within the Hundreds of Apoinga, Hanson and Kooringa, refer to Appendix A

Decision

The Native Vegetation Council has considered your application in accordance with the requirements of Regulation 12, Schedule 1; Clause 34 of the *Native Vegetation Regulations 2017* and Section 25A of the *Native Vegetation Act 1991*.

In respect of the application you are informed that the Native Vegetation Council:

Government of South Australia

1. **Grants consent** to the clearance of 132.99 ha of native vegetation in the area shown on the attached Decision Plan(s) 2021/3219/422 -1 of 2 for the purpose of construction Stage 1A of the Goyder South Project.
2. **Grants consent,** subject to the following conditions, to the establishment of an SEB credit area over 931.07 ha.

Reason for Decision:

The clearance of native vegetation meets the requirements of Native Vegetation Regulation 12, Schedule 1; Clause 34.

Conditions of approval

This approval is subject to the conditions specified below. These conditions have been imposed to ensure that the impacts on native vegetation and biodiversity from approved clearance is adequately minimised and mitigated;

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 Planning, Development and Infrastructure Act 2016.

   Note: It is acknowledged that development approval was granted for (Application ID: 5332; Application number: 422/V009/20) on the 3 March 2021.
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. The Significant Environmental Benefit (SEB) (equivalent to 1,714.85 SEB Points) 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- 2 of 2;
   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. (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 that is required to offset the clearance is to be achieved by making a payment into the Native Vegetation Fund ($446.69 per SEB point required). 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.

h. If the SEB area provides SEB points in excess of the points required in accordance with this decision, the SEB points of credit will be 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.

i. The Native Vegetation Council reserves the rights to revoke the credits or refuse the assignment of credits under Section 25B of the Act, if the Native Vegetation Council are of the opinion that the applicant has failed to sufficiently comply with the condition of this approval or the associated management plan.

6. If the Native Vegetation Council considers condition 5 has not be complied with prior to 1 July 2022, the SEB will be required to be achieved by making a total payment of $765,998.72 into the Native Vegetation Fund ($726,065.13 to the Native Vegetation Fund - GST exclusive and $39,933.59 Administration fee - GST inclusive) equivalent to 1,714.85 SEB points. The payment is to be made within one month of the invoice date.

7. 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.

8. 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.

9. 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.

10. The applicant must adequately inform any prospective purchaser, lessee or occupier of the land affected by conditions in this consent, of the relevant conditions.

Expiry date of approval

The approval to clear native vegetation in accordance with this decision ceases after 2 years from the decision date.

Signature	
Name	Vaughan Levitzke PMS
Position	**CHAIR, NATIVE VEGETATION ASSESSMENT PANEL**
Date	x/x/xxxx (Decision Date)

Notes

1. **Effect of Consent**
   This Decision Notification grants consent under the *Native Vegetation Act 1991* only and does not imply approval under any other legislation. It is the responsibility of the landowner to obtain all relevant approvals for any proposed development. This includes any approval that might be required in relation to the Commonwealth *Environment Protection & Biodiversity Conservation Act 1999*.

2. **Conditions**
   Please note that these conditions are an integral part of the consent and are legally binding under the *Native Vegetation Act 1991* and *Native Vegetation Regulations 2017*. Should **any** clearance occur in accordance with this decision, the conditions are enforceable in full.

   Any conditions of consent are binding on and enforceable against the person granted the approval, any current and future owners of the land, any occupier of the land and any person who acquires the benefit of the clearance.

3. **Amended decisions**

   Where a decision is amended, all previous versions of the decision are null and void.

   If an application to amend a decision will substantially alter the nature of the original application or conditions of approval, the Native Vegetation Council may require a new application be submitted.

4. **SEB Areas**
   All areas established as a condition of consent to provide a significant environmental benefit, whether through revegetation, management or protection of an area of native vegetation, are protected in perpetuity under the *Native Vegetation Act 1991*. No clearance of native vegetation within these areas can occur without the consent of the Native Vegetation Council.

5. **Monitoring**
   The Native Vegetation Council undertakes a program of monitoring of conditions attached to any clearance consent. As part of this program, the landowner may be contacted by an officer of Department to arrange inspections. Should it be evident that the conditions have not be applied with in full, the landholder will be informed in writing of the nature of breach of the conditions and given an opportunity to comply with the conditions. However, if the breach of the conditions is substantial, ongoing or irreversibly, then the Council may take compliance actions under Section 31 of the *Native Vegetation Act 1991*.

6. **Use of cleared vegetation**
   Native vegetation authorised for clearance under a Decision Notification may be a useful resource, as a source of seed for local revegetation projects, for woodcraft purposes or providing hollows for relocation. Please consider notifying any local seed collection groups to offer them the opportunity of collecting seed at the time of clearance, and making any timber from the cleared trees available for woodcraft or hollow relocation.

DECISION NOTIFICATION ACKNOWLEDGEMENT

Application Number: **2021/3219/422**

The applicant, and all parties to the decision, have received a copy of the Decision Notification (decision date x/x/xxxx) are fully aware and will comply with the decision and all the attached conditions.

Name of applicant: .....

Signature of applicant or seal of Company and authorised signatory, including the signature of any other parties to the decision:

.....

.....

.....

.....

Date : .....….

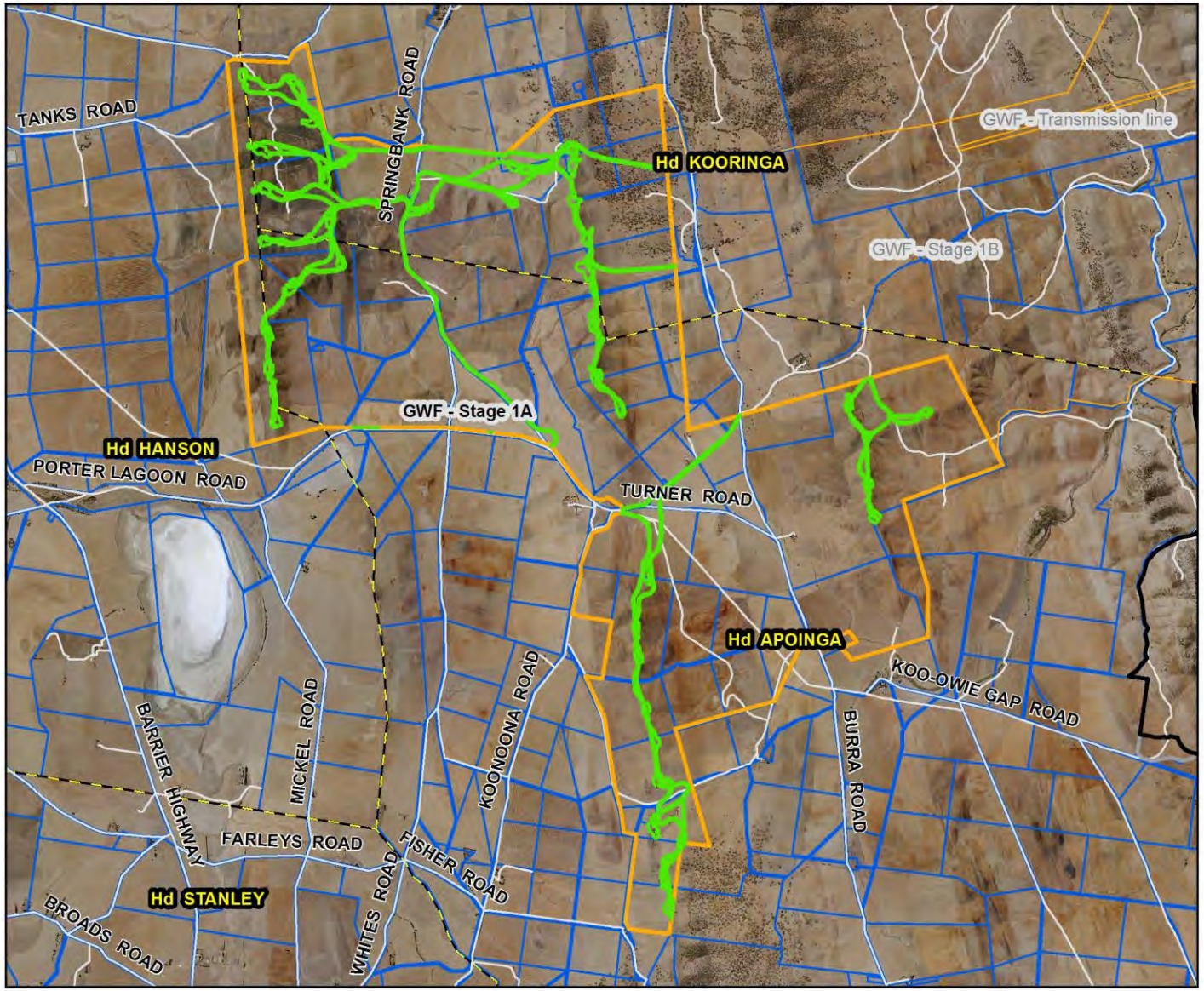
Note: *Sign and return this form by post or email to:*

Send to: **Native Vegetation Branch**
C/o
Department for Environment and Water
GPO Box 1047 Adelaide SA 5001

Email: **peter.farmer@sa.gov.au**

Native Vegetation Clearance Application

Government of South Australia
Department for Environment and Water



DECISION PLAN (1 of 2)

TO FORM PART OF THE DECISION OF THE NATIVE VEGETATION COUNCIL

APPLICATION NO. 2021/3219/422
Goyder South Wind Farm Stage 1A

HUNDREDS of APOINGA, HANSON & KOORINGA

Multiple land parcels. See Appendix A of Decision Notification for detail

- **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: 28/10/2021
Version: 01
Datum: GDA94

Native Vegetation Council

Delegate, Native Vegetation Council

Decision Date:

N

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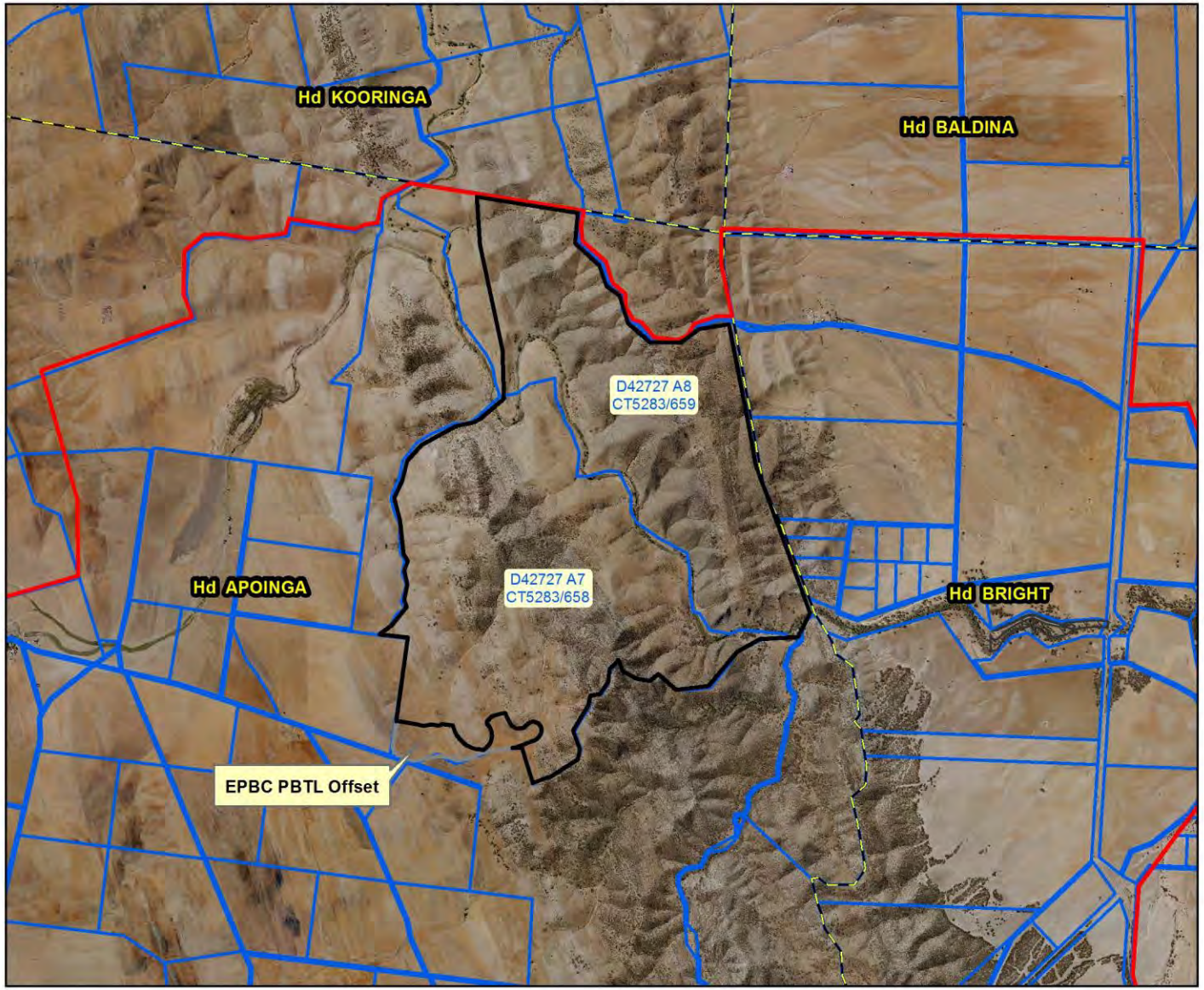
Native Vegetation Clearance Application

Government of South Australia
Department for Environment and Water



DECISION PLAN (2 of 2)

TO FORM PART OF THE DECISION OF THE NATIVE VEGETATION COUNCIL

APPLICATION NO. 2021/3219/422
Goyder South Wind Farm Stage 1A

HUNDRED of APOINGA

D42727 A7
Certificate of Title Vol 5283 Fol 658
D42727 A8
Certificate of Title Vol 5283 Fol 659

Goyder South Project Boundary

SEB Area

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: 28/10/2021
Version: 01
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Native Vegetation Council

Delegate, Native Vegetation Council

Decision Date:

N

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Appendix A

Stage 1A Project Area	
PARCEL_ID	**TITLE_ID**
D12182 A5	CT 5107/486
D12300 A3	CT 5107/191
D12300 A2	CT 5210/960
F17595 A13	CT 5167/323
H200100 S133	CT 5852/95
H200800 S205	CT 5210/957
D42727 A4	CT 5283/655
F159244 Q19	CT 5297/178
F17597 A15	CT 5297/110
H200100 S122	CT 5852/91
H200100 S465	CT 5765/337
H200800 S15	CT 5210/958
F159241 A9	CT 5852/89
F17595 A14	CT 5107/504
F17596 A1	CT 5210/950
F17596 A2	CT 5210/951
H200100 S140	CT 5852/88
H200800 S16	CT 5210/958
D12300 A1	CT 5852/92
D42727 Q9	CT 5283/652
F159241 A11	CT 5852/89
F162325 Q91	CT 5297/133
F17621 A17	CT 5107/506
F17622 A5	CT 6043/234
H200100 S121	CT 5852/93
H200100 S56	CT 5167/58
H200100 S57	CT 5167/68
H200100 S52	CT 5166/814
H200100 S53	CT 5166/814
H200100 S55	CT 5167/58
H200100 S62	CT 5210/959
H200800 S23	CT 5210/958
H200800 S24	CT 5210/958
D57122 A28	CT 6043/241
D57122 Q30	CT 5851/241
D57122 A27	CT 6043/240
D57122 Q29	CT 5851/241
F170358 A92	CT 5335/998
F101459 A14	CT 5108/771
H200100 S389	CT 6043/237
H200800 S309	CT 6043/238
F17595 A12	CT 5107/487
F17596 A4	CT 5210/953
H200100 S127	CT 5852/99

Native Vegetation Council

81-95 Waymouth St, ADELAIDE SA 5000 | GPO Box 1047, ADELAIDE SA 5001
Ph| 08 8303 9777; Email| nvc@sa.gov.au

DECISION NOTIFICATION
Native Vegetation Regulations 2017

Application Number: 2021/3230/422

To: NEOEN
Attn: Thomas Jenkins
Level 6, 16 Marcus Clarke Street
CANBERRA, ACT 2601
Email: tom.jenkins@neoen.com

Date Received: 24/09/2021
Date Registered: 13/10/2021

Applicant	NEOEN (Neoen Australia Pty Ltd) Contact: Tom Jenkins, Project Manager
Landholder	Multiple landholders
Purpose of application	Clearance of native vegetation for the construction of 37 wind turbine generators, access tracks and cables for Stage1B of the Goyder South Project
Description of native vegetation under application	A total of 202.41 ha of native vegetation consisting of; - 18.76 ha of *Eucalyptus porosa* (Mallee Box) Open Woodland - 0.84 ha of *Eucalyptus leucoxylon ssp. pruinosa* Open Woodland - 174.24 ha of Austrostipa spp. Mixed Open Grassland - 8.38 ha *Triodia irritans* (Spinifex) Grassland +/- Emergent *Eucalyptus oleosa ssp. oleosa* - 0.19ha of *Phragmites australis* (Common Reed) Grassland
Location of the application	Located approximately 14km south of Burra and 18km east of Farrell Flat, across the areas known as Burra, Koonoona, Worlds End and Apoinga. 56 Land Parcels within the Hundreds of Apoinga, Baldina and Kooringa, refer to Appendix A

Decision

The Native Vegetation Council has considered your application in accordance with the requirements of Regulation 12, Schedule 1; Clause 34 of the *Native Vegetation Regulations 2017* and Section 25A of the *Native Vegetation Act 1991*.

In respect of the application you are informed that the Native Vegetation Council:

Government of South Australia

H200100 S130	CT 5852/86
H200100 S131	CT 5852/88
H200100 S2179	CT 5852/87
H200100 S393	CT 5167/107
H200100 S442	CT 5852/85
H200100 S67	CT 5210/948
H200800 S104	CT 5210/954
D57046 A23	CT 5851/992
F162325 Q92	CT 5297/133
F17595 A10	CT 6043/233
H200100 S2180	CT 5992/528
H200800 S35	CT 5210/954
D12300 A4	CT 5852/97
D42727 Q1	CT 5283/652
D57122 A25	CT 6043/239
F101457 A12	CT 5108/770
F170358 A91	CT 5335/998
H200100 S123	CT 5852/90
H200100 S134	CT 5852/88
H200100 S19	CT 5852/100
H200100 S61	CT 5210/959
H200800 S203	CT 5210/956
H200800 S34	CT 5210/954
D12300 A5	CT 5852/98
D12300 A6	CT 5852/96
D12300 A7	CT 5852/93
D42727 A3	CT 5283/654
D57122 A26	CT 5851/238
F101457 A11	CT 5108/770
F17596 A3	CT 5210/952
F17622 A6	CT 6043/236
F17622 A7	CT 6043/235
H200100 S126	CT 5852/90
H200100 S65	CT 5210/948
H200100 S66	CT 5210/957
D12300 A8	CT 5852/94
SEB Parcels	
D42727 A8	CT 5283/659
D42727 A7	CT 5283/658

1. **Grants consent** to the clearance of 202.41 ha of native vegetation in the area shown on the attached Decision Plan(s) 2021/3230/422 1 of 1 for the purpose of construction Stage 1B of the Goyder South Project.
2. **Approve** the achievement of the Significant Environmental Benefit by the use of SEB Credit that have been credited in accordance with Decision Notification 2021/3219/422 under Section 25A(1) of the *Native Vegetation Act 1991*.

Reason for Decision:

The clearance of native vegetation meets the requirements of Native Vegetation Regulation 12, Schedule 1; Clause 34.

Conditions of approval

This approval is subject to the conditions specified below. These conditions have been imposed to ensure that the impacts on native vegetation and biodiversity from approved clearance is adequately minimised and mitigated;

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 Planning, Development and Infrastructure Act 2016 .

   Note: It is acknowledged that development approval was granted for (Application ID: 5332; Application number: 422/V009/20) on the 3 March 2021.
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. The Significant Environmental Benefit requirement (equivalent to 3483.56 SEB points) is to be achieved by the use of SEB credits established in accordance with Section 25A of the Act in relation to Decision Notification 2021/3219/422. Prior to 1 July 2022, Neoen must advise the NVC of the SEB points of Credit that are available for use, subsequent to the completion of Condition 5 of Decision Notification 2021/3219/422.
6. Any shortfall in SEB points provided by the use of SEB points of credit required to offset the clearance, as determined by the NVC subsequent to the completion of Condition 5, is to be achieved by making a payment into the Native Vegetation Fund ($446.69 per SEB point required). The payment is to be made within one month of the invoice date.
7. If the Native Vegetation Council considers Condition 5 of Decision Notification 2021/3219/422 has not be complied with prior to 1 July 2022, the SEB will be required to be achieved by making a total payment of $1,556,052.69 into the Native Vegetation Fund ($1,474,931.47 to the Native Vegetation Fund - GST exclusive and $81,121.23 Administration fee - GST inclusive) equivalent to 3483.56 SEB points. The payment is to be made within one month of the invoice date.
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.

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.
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.
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.

Expiry date of approval

The approval to clear native vegetation in accordance with this decision ceases after 2 years from the decision date.

Signature	
Name	Vaughan Levitzke PMS
Position	**CHAIR, NATIVE VEGETATION ASSESSMENT PANEL**
Date	x/x/xxxx (Decision Date)

Notes

1. **Effect of Consent**
   This Decision Notification grants consent under the *Native Vegetation Act 1991* only and does not imply approval under any other legislation. It is the responsibility of the landowner to obtain all relevant approvals for any proposed development. This includes any approval that might be required in relation to the Commonwealth *Environment Protection & Biodiversity Conservation Act 1999*.

2. **Conditions**
   Please note that these conditions are an integral part of the consent and are legally binding under the *Native Vegetation Act 1991* and *Native Vegetation Regulations 2017*. Should **any** clearance occur in accordance with this decision, the conditions are enforceable in full.

   Any conditions of consent are binding on and enforceable against the person granted the approval, any current and future owners of the land, any occupier of the land and any person who acquires the benefit of the clearance.

3. **Amended decisions**

   Where a decision is amended, all previous versions of the decision are null and void.

   If an application to amend a decision will substantially alter the nature of the original application or conditions of approval, the Native Vegetation Council may require a new application be submitted.

4. **SEB Areas**
   All areas established as a condition of consent to provide a significant environmental benefit, whether through revegetation, management or protection of an area of native vegetation, are protected in perpetuity under the *Native Vegetation Act 1991*. No clearance of native vegetation within these areas can occur without the consent of the Native Vegetation Council.

5. Monitoring

The Native Vegetation Council undertakes a program of monitoring of conditions attached to any clearance consent. As part of this program, the landowner may be contacted by an officer of Department to arrange inspections. Should it be evident that the conditions have not be applied with in full, the landholder will be informed in writing of the nature of breach of the conditions and given an opportunity to comply with the conditions. However, if the breach of the conditions is substantial, ongoing or irreversibly, then the Council may take compliance actions under Section 31 of the *Native Vegetation Act 1991*.

6. Use of cleared vegetation

Native vegetation authorised for clearance under a Decision Notification may be a useful resource, as a source of seed for local revegetation projects, for woodcraft purposes or providing hollows for relocation. Please consider notifying any local seed collection groups to offer them the opportunity of collecting seed at the time of clearance, and making any timber from the cleared trees available for woodcraft or hollow relocation.

DECISION NOTIFICATION ACKNOWLEDGEMENT

Application Number: **2021/3230/422**

The applicant, and all parties to the decision, have received a copy of the Decision Notification (decision date x/x/xxxx) are fully aware and will comply with the decision and all the attached conditions.

Name of applicant: .....

Signature of applicant or seal of Company and authorised signatory, including the signature of any other parties to the decision:

.....

.....

.....

.....

Date : .....….

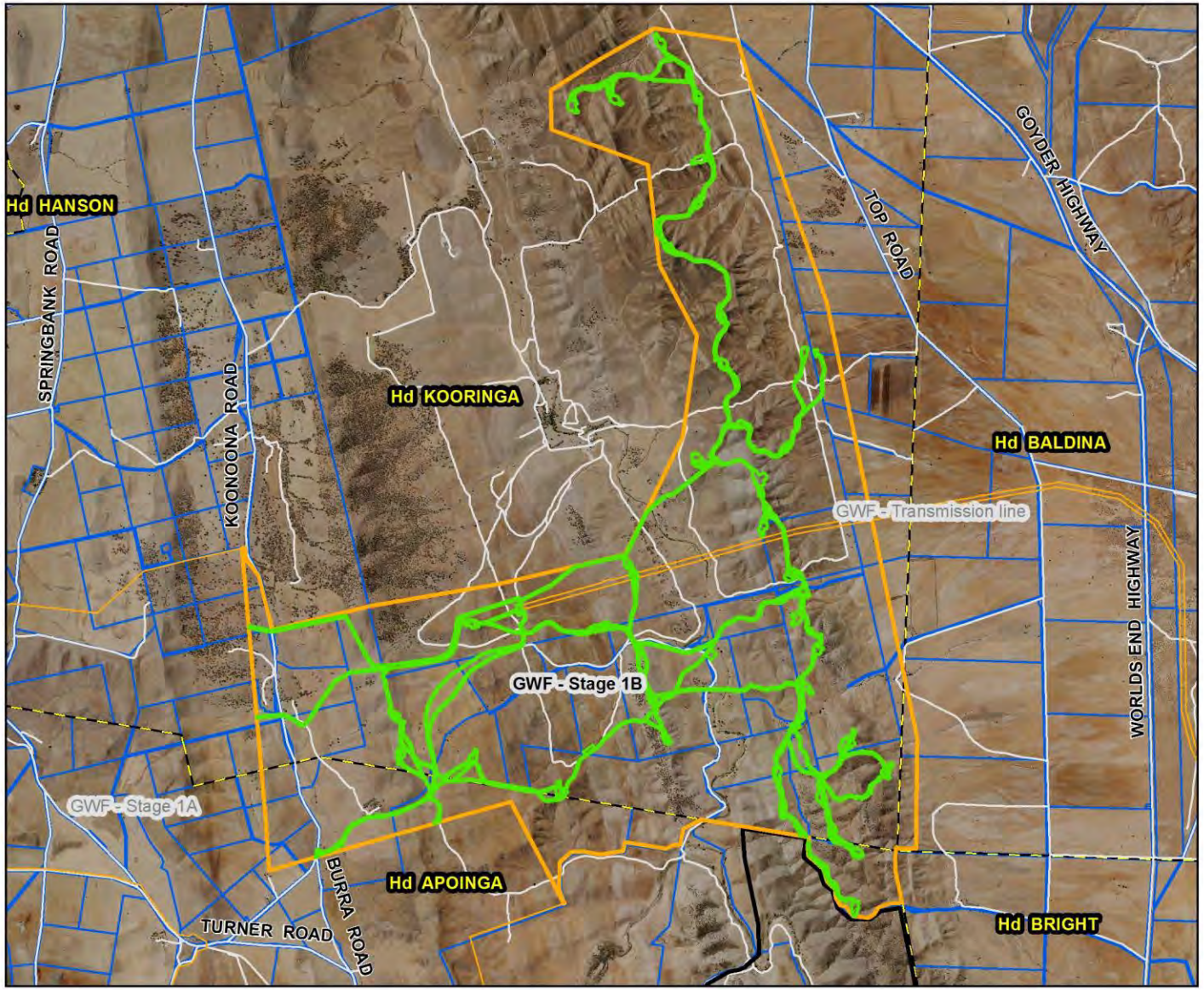
Note: *Sign and return this form by post or email to:*

Send to: **Native Vegetation Branch**
C/o
Department for Environment and Water
GPO Box 1047 Adelaide SA 5001

Email: **peter.farmer@sa.gov.au**

Native Vegetation Clearance Application

Government of South Australia
Department for Environment and Water



DECISION PLAN (1 of 1)

TO FORM PART OF THE DECISION OF THE NATIVE VEGETATION COUNCIL

APPLICATION NO. 2021/3230/422
Goyder South Wind Farm Stage 1B

HUNDREDS of APOINGA, BALDINA, BRIGHT & KOORINGA

Multiple land parcels. See Appendix A of Decision Notification for detail

- **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: 28/10/2021
Version: 01
Datum: GDA94

Native Vegetation Council

Delegate, Native Vegetation Council

Decision Date:

N

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0 1,250 2,500 41 3,750 5,000 6,250
Scale: 1:80000

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Appendix A

Stage 1B Project Area	
PARCEL_ID	**TITLE_ID**
H200100 S455	CT 5939/221
H200100 S57	CT 5167/68
H200800 S185	CT 5764/865
H200800 S23	CT 5210/958
H200800 S6	CT 5939/221
H200800 SC	CT 6064/87
D36035 A602	CT 5189/1
D42727 A8	CT 5283/659
H200100 S52	CT 5166/814
H200800 S251	CT 5513/136
H200800 S256	CT 5513/135
H200800 S93	CT 5189/1
H200800 S95	CT 5189/1
F105334 A1	CT 5189/1
F17596 A1	CT 5210/950
F17596 A2	CT 5210/951
H200100 S463	CT 5762/36
H200100 S53	CT 5166/814
H200200 S1	CT 5531/894
H200200 S19	CT 5487/423
H200800 S16	CT 5210/958
H200800 S249	CT 5513/136
H200800 S253	CT 5513/136
D40717 Q606	CT 5283/651
D42727 A2	CT 5283/653
D42727 Q9	CT 5283/652
H200800 S198	CT 5758/815
H200800 S246	CT 5513/136
H200800 S262	CT 5764/867
H200800 S5	CT 5487/673
H200800 S87	CT 5189/1
H200800 S89	CT 5189/1
H200800 S96	CT 5189/1
D46215 A344	CT 5472/67
F187001 A489	CT 5695/973
F208303 Q91	CT 5487/674
H200800 S247	CT 5513/136
H200800 S94	CT 5189/1
D40717 Q607	CT 5283/651
H200800 S254	CT 5513/136
H200800 S35	CT 5210/954
H200800 S88	CT 5189/1
H200800 S92	CT 5189/1
D40717 Q605	CT 5283/650

D40717 Q608	CT 5283/650
D42727 Q1	CT 5283/652
H200100 S19	CT 5852/100
H200800 S265	CT 5513/132
H200800 S40	CT 5189/1
D40717 A604	CT 5283/649
D42727 A3	CT 5283/654
D42727 A5	CT 5283/656
F208303 Q92	CT 5487/674
H200800 S186	CT 5189/1
H200800 S257	CT 5513/135
H200800 S97	CT 5189/1

Native Vegetation Council

81-95 Waymouth St, ADELAIDE SA 5000 | GPO Box 1047, ADELAIDE SA 5001
Ph| 08 8303 9777; Email| nvc@sa.gov.au

DECISION NOTIFICATION
Native Vegetation Regulations 2017

Application Number: 2021/3231/422

To: NEOEN
Attn: Thomas Jenkins
Level 6, 16 Marcus Clarke Street
CANBERRA, ACT 2601
Email: tom.jenkins@neoen.com

Date Received: 24/09/2021
Date Registered: 13/10/2021

Applicant	NEOEN (Neoen Australia Pty Ltd) Contact: Tom Jenkins, Project Manager
Landholder	Multiple landholders
Purpose of application	Clearance of native vegetation for the construction of ~34km of Overhead Transmission Line and Substation West to which both Stage 1A and Stage 1B of the Goyder South Project connect.
Description of native vegetation under application	A total of 116.60 ha of native vegetation consisting of; - 3.88 ha of *Lomandra multiflora* ssp. *dura / Lomandra effusa* Mixed Open Grassland - 5.07 ha of *Eucalyptus porosa* (Mallee Box) Open Woodland - 22.33 ha of *Eucalyptus oleosa* ssp. *oleosa* (Red Mallee) Mixed Open Mallee - 1.40 ha of *Eucalyptus leucoxylon ssp. pruinosa* Open Woodland - 62.54 ha of Austrostipa spp. Mixed Open Grassland - 0.15 ha of *Juncus* sp. (Rush) / *Cyperus gymnocaulos* (Spiny Flat-sedge) Mixed Low Closed Sedgeland - 0.15ha of *Phragmites australis* (Common Reed) Grassland - 1.08 ha of *Senna* sp. / *Acacia rigens* (Nealie) Mixed Shrubland over Chenopod Shrubs - 16.21 ha of *Nitraria billardierei* (Nitre Bush) Low Shrubland - 2.98 ha of *Maireana pyramidata* (Black Bluebush) Low Shrubland - 0.48 ha of *Eucalyptus gracilis* (White Mallee) Open Woodland - 0.33 ha of *Eucalyptus porosa / Eucalyptus gracilis Mixed Mallee*

Government of South Australia

Location of the application	A linear corridor located 12 km south of Burra and extends approximately 24 km south before terminating approximately 5 km north east of Robertstown. 45 Land Parcels within the Hundreds of Baldina, Bright and Kooringa, refer to Appendix A

Decision

The Native Vegetation Council has considered your application in accordance with the requirements of Regulation 12, Schedule 1; Clause 34 of the *Native Vegetation Regulations 2017* and Section 25A of the *Native Vegetation Act 1991*.

In respect of the application you are informed that the Native Vegetation Council:

1. **Grants consent** to the clearance of 116.60 ha of native vegetation in the area shown on the attached Decision Plan(s) 2021/3231/422 for the purpose of construction Transmission line for the Goyder South Project.
2. **Approve** the achievement of the Significant Environmental Benefit by the use of SEB Credit that have been credited in accordance with Decision Notification 2021/3219/422 under Section 25A(1) of the *Native Vegetation Act 1991*.

Reason for Decision:

The clearance of native vegetation meets the requirements of Native Vegetation Regulation 12, Schedule 1; Clause 34.

Conditions of approval

This approval is subject to the conditions specified below. These conditions have been imposed to ensure that the impacts on native vegetation and biodiversity from approved clearance is adequately minimised and mitigated;

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 *Planning, Development and Infrastructure Act 2016*.

   Note: It is acknowledged that development approval was granted for (Application ID: 5332; Application number: 422/V009/20) on the 3 March 2021.
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. The Significant Environmental Benefit requirement (equivalent to 2730.37 SEB points) is to be achieved by the use of SEB credits established in accordance with Section 25A of the Act in relation to Decision Notification 2021/3219/422. Prior to 1 July 2022, Neoen must advise the NVC of the SEB points of Credit that are available for use, subsequent to the completion of Condition 5 of Decision Notification 2021/3219/422.

6. Any shortfall in SEB points provided by the use of SEB points of credit required to offset the clearance, as determined by the NVC subsequent to the completion of Condition 5, is to be achieved by making a payment into the Native Vegetation Fund ($446.69 per SEB point required). The payment is to be made within one month of the invoice date.
7. If the Native Vegetation Council considers Condition 5 of Decision Notification 2021/3219/422 has not be complied with prior to 1 July 2022, the SEB will be required to be achieved by making a total payment of $1,219,624.75 into the Native Vegetation Fund ($1,156,042.42 to the Native Vegetation Fund - GST exclusive and $63,582.33 Administration fee - GST inclusive) equivalent to 2730.37 SEB points. The payment is to be made within one month of the invoice date.
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.
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.
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.
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.

Expiry date of approval

The approval to clear native vegetation in accordance with this decision ceases after 2 years from the decision date.

Signature	
Name	Vaughan Levitzke PMS
Position	**CHAIR, NATIVE VEGETATION ASSESSMENT PANEL**
Date	x/x/xxxx (Decision Date)

Notes

1. **Effect of Consent**
   This Decision Notification grants consent under the *Native Vegetation Act 1991* only and does not imply approval under any other legislation. It is the responsibility of the landowner to obtain all relevant approvals for any proposed development. This includes any approval that might be required in relation to the Commonwealth *Environment Protection & Biodiversity Conservation Act 1999*.

2. **Conditions**

Please note that these conditions are an integral part of the consent and are legally binding under the *Native Vegetation Act 1991* and *Native Vegetation Regulations 2017*. Should **any** clearance occur in accordance with this decision, the conditions are enforceable in full.

Any conditions of consent are binding on and enforceable against the person granted the approval, any current and future owners of the land, any occupier of the land and any person who acquires the benefit of the clearance.

3. Amended decisions

Where a decision is amended, all previous versions of the decision are null and void.

If an application to amend a decision will substantially alter the nature of the original application or conditions of approval, the Native Vegetation Council may require a new application be submitted.

4. SEB Areas

All areas established as a condition of consent to provide a significant environmental benefit, whether through revegetation, management or protection of an area of native vegetation, are protected in perpetuity under the *Native Vegetation Act 1991*. No clearance of native vegetation within these areas can occur without the consent of the Native Vegetation Council.

5. Monitoring

The Native Vegetation Council undertakes a program of monitoring of conditions attached to any clearance consent. As part of this program, the landowner may be contacted by an officer of Department to arrange inspections. Should it be evident that the conditions have not be applied with in full, the landholder will be informed in writing of the nature of breach of the conditions and given an opportunity to comply with the conditions. However, if the breach of the conditions is substantial, ongoing or irreversibly, then the Council may take compliance actions under Section 31 of the *Native Vegetation Act 1991*.

6. Use of cleared vegetation

Native vegetation authorised for clearance under a Decision Notification may be a useful resource, as a source of seed for local revegetation projects, for woodcraft purposes or providing hollows for relocation. Please consider notifying any local seed collection groups to offer them the opportunity of collecting seed at the time of clearance, and making any timber from the cleared trees available for woodcraft or hollow relocation.

DECISION NOTIFICATION ACKNOWLEDGEMENT

Application Number: **2021/3231/422**

The applicant, and all parties to the decision, have received a copy of the Decision Notification (decision date x/x/xxxx) are fully aware and will comply with the decision and all the attached conditions.

Name of applicant: .....

Signature of applicant or seal of Company and authorised signatory, including the signature of any other parties to the decision:

.....

.....

.....

.....

Date : .....….

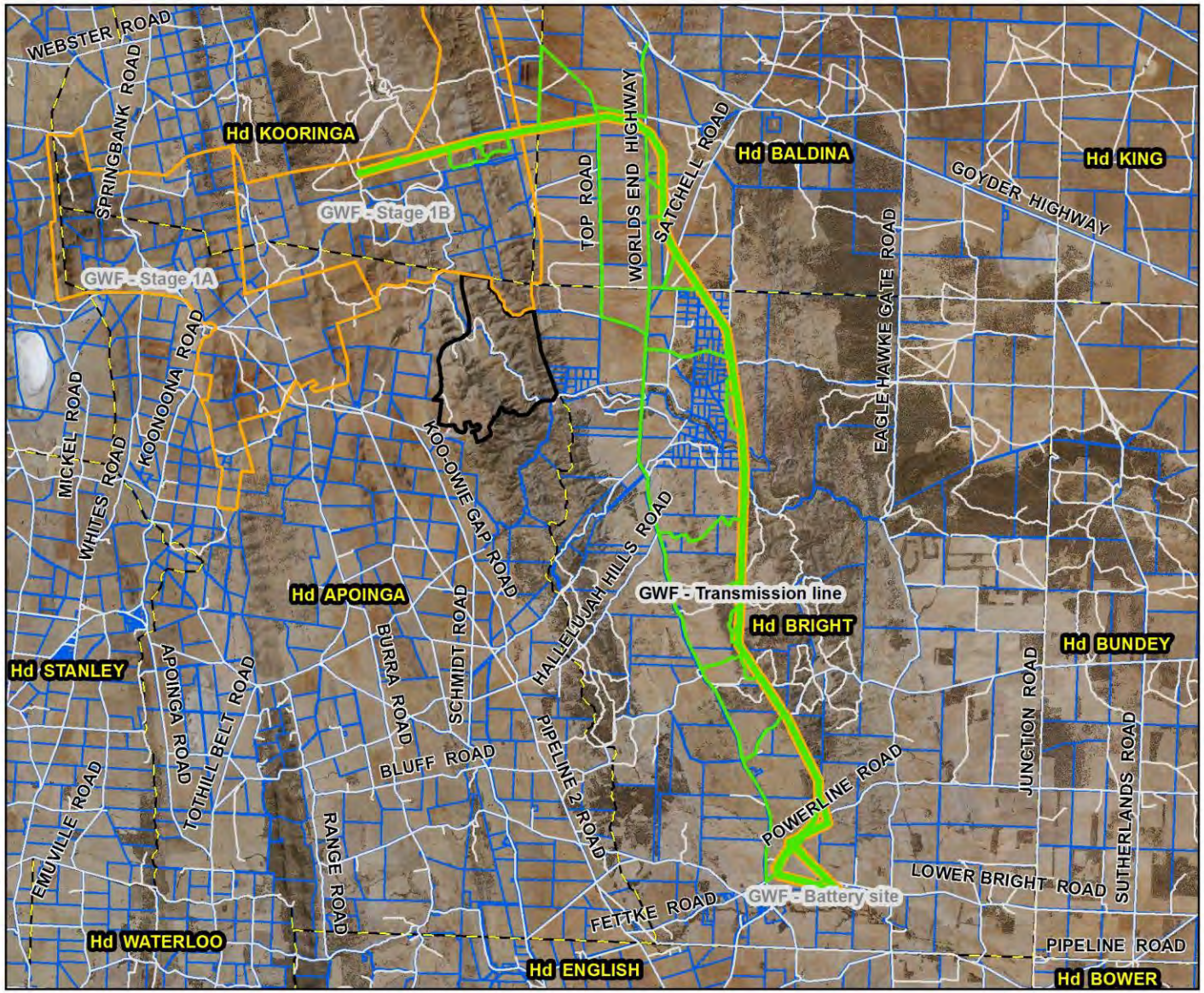
Note: *Sign and return this form by post or email to:*

Send to: **Native Vegetation Branch**
C/o
Department for Environment and Water
GPO Box 1047 Adelaide SA 5001

Email: **peter.farmer@sa.gov.au**

Native Vegetation Clearance Application

Government of South Australia
Department for Environment and Water



DECISION PLAN (1 of 1)

TO FORM PART OF THE DECISION OF THE NATIVE VEGETATION COUNCIL

APPLICATION NO. 2021/3231/422
Goyder South Wind Farm Overhead Transmission Line & Substation West

HUNDREDS of BALDINA, BRIGHT & KOORINGA

Multiple land parcels. See Appendix A of Decision Notification for detail

- 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: 28/10/2021
Version: 01
Datum: GDA94

Native Vegetation Council

Delegate, Native Vegetation Council

Decision Date:

N

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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.

Meters
0 2,750 5,500 49 8,250 11,000 13,750
Scale: 1:175000

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Appendix A

Overhead Transmission Line and Substation Project Area	
PARCEL_ID	**TITLE_ID**
D120572 A302	CT 6230/207
H200200 S272	CT 5914/152
H200300 S104	CT 6098/650
H200300 S222	CT 5745/722
H200300 S33	CT 5315/54
F177071 A189	CT 5501/281
H200200 S5	CT 5726/491
H200300 S13	CT 5465/354
H200300 S197	CT 5360/17
H200300 S24E	CT 5501/284
H200300 S259	CT 5878/476
H200300 S174	CT 5670/385
H200200 S17	CT 5914/152
H200200 S21	CT 5513/133
H200200 S4	CT 5971/400
H200300 S172	CT 5983/732
H200300 S40	CT 6098/650
D120572 A301	CT 6230/206
D46215 A344	CT 5472/67
D69124 A1	CT 5983/732
F177073 A191	CT 5805/514
F187001 A489	CT 5695/973
H200200 S24	CT 5880/715
H200300 S105	CT 6098/650
H200300 S176	CT 5670/385
H200300 S187	CT 5670/385
H200300 S198	CT 5360/17
H200300 S25S	CT 5473/356
H200300 S35	CT 5583/476
H200300 S39E	CT 5792/744
H200200 S22	CT 5513/133
H200300 S173	CT 5983/732
H200300 S175	CT 5670/385
H200300 S192	CT 5360/17
H200300 S42	CT 5464/828
D62492 A100	CT 5906/102
H200300 S14	CT 5469/752
H200300 S191	CT 5360/17
H200300 S242	CT 5987/805
H200300 S45	CT 5951/34
H200300 S186	CT 5670/385
H200300 S196	CT 5937/980
H200300 S258	CT 5979/28
H200300 S46	CT 5951/34

H200800 S257	CT 5513/135

From: Thomas Jenkins <tom.jenkins@neoen.com>
Sent: Thursday, 28 October 2021 4:53 PM
To: Schutz, Adam (DEW)
Cc: Simone Fogarty; Hannah Willson; travis.how
Subject: RE: Goyder South - proposed conditions [SEC=OFFICIAL]

Follow Up Flag: Follow up
Flag Status: Completed

Thanks Adam, very much appreciate the update. That's great news. My sincere thanks for your support and that of the Panel.

I have responded to your queries below – please let me know if you would like to discuss further.

Kind regards,

Tom

Tom Jenkins
Senior Project Manager

NEOEN

Level 10, 227 Elizabeth Street, Sydney, NSW 2000
M. S6(1)

Schaefer WTE Nest

The area where this landowner S4(1)(a)) has stated the existence of a WTE nest was not surveyed prior to DA assessment. Typically, except in cases of obvious need such as proximity to highly sensitive habitat, we do not attempt to survey neighbouring land around our projects due to the sheer amount of extra surveying that this would entail, especially on a project of Goyder's scale. It is also typically much more difficult to obtain access to uninvolved land. This has never been identified by DEW as a problem to my knowledge.

S4(1)(a) verbally mentioned the presence of a WTE nest (though not its location) to Neoen around 3 months ago when we reached out to discuss an unrelated matter – a possible rotor blade easement on his land. We subsequently requested permission to survey the nest but he refused access to EBS Ecology. S4(1)(a) has since made us aware that he has had the nest surveyed by S4(1)(a) .

S4(1)(a) also mentioned that he has made DEW aware of the nest but again, has not responded to my request for more information (coordinates at a minimum). Thus, we cannot verify its existence, location, status or impact on the layout. Even if we had received the details collected by S4(1)(a) , that gentleman is unfortunately well-known for his stance on wind farms and we would have to insist on verification by EBS or another neutral organisation.

If we are able to verify the location of the nest, it is unfortunately not practical at this late stage to alter the turbine layout even if it is within 1km. With construction due to commence within weeks, this would be catastrophic to the project. Furthermore, I will note that while 1km is Neoen's preferred setback, there is another location on the project where a 500m setback has been employed out of necessity, so a sub-1km buffer certainly has precedent on Goyder South (and sub-500m buffers have been used at other projects). However, we remain fully committed to monitoring and minimising impacts, and we will of course comply with any reasonable measures requested by DEW or NVC.

Cumulative impacts

It is acknowledged that there is potential for wind farm projects across the mid north region to have cumulative impacts on flora and fauna species and communities. However, it is very difficult to quantify these potential impacts when impacts to individual species and communities are very specific to each project site. There is little documented information or data in relation to the actual impacts of existing projects across the Mid North region and it is therefore difficult to ascertain the extent to which the current project may add to them without undertaking a large review of all wind farm projects across the Mid North. Obviously this is not something Neoen is able to do of its own accord.

While Goyder South has not specifically addressed cumulative impacts in relation to other wind farm projects, impacts have been thoroughly addressed within the project footprint. The focus of the project has been to build and develop a renewable energy project that has the least possible impact on the local environment, including flora and fauna species and communities, and design decisions have been made to avoid impacts even at significant additional cost to the project (such as deleting turbines or designing longer access road routes to avoid sensitive vegetation). Where impacts cannot be avoided, they will be offset. We thus aim to minimise the potential for the project to significantly add to the cumulative impacts of wind farm projects in the region.

The potential cumulative impacts for the species of concern are discussed below.

1. **PBTL**

Impacts on PBTLs are generally a result of the project footprint including potential direct impacts on the lizards and removal of their habitat. However, the project has minimised the potential for impacts on this species and its habitat through the design phase. There are few operating wind farm projects in the mid north region that are known to impact on PBTL or PBTL habitat as the majority either don't have the species present or have avoided direct impacts through the design phase. It is also considered that the proposed PBTL offset (under the EPBC Act) will offset any residual impacts to the species. It is considered that this offset will also mitigate potential cumulative impacts of the project on PBTLs.

Aside from project design, Neoen will also, of course, comply with all PBTL-related measures prescribed in the EPBC approval (when this is obtained) to further minimise impacts during the construction and operations phases. Through EBS Ecology's experience across numerous Mid North wind farms and Neoen's own prior experience at Hornsdale Wind Farm, we have an excellent idea of what these measures are likely to comprise and have required our EPC contractor to commit to these.

2. **Raptors**

Cumulative impacts of wind farms on raptors, particularly WTE, are difficult to estimate. The potential impacts to WTE are as a result of the operation of the wind farm more so than the footprint impacts of a wind farm. There is very little available data and a lack of monitoring of bird strike at many wind farm projects in SA, and therefore the actual impacts of a wind farm project, let alone cumulative impacts of multiple projects, is difficult to estimate. The design of the Goyder South wind farm and buffers around known nest sites is aimed at minimising the potential impacts which therefore reduces the potential of the project to significantly contribute to impacts across the region.

3. **Lomandra Grassland**

Similar to the PBTL, the key impact on this vegetation community is generally the result of the project footprint impacting vegetation. Impacts to this vegetation community have been minimised, and Neoen have proposed a Lomandra offset under the EPBC Act to offset any residual impacts to the community. It is therefore considered potential impacts have been minimised.

As with PBTLs, Neoen will comply fully with all Lomandra impact mitigation measures prescribed in the EPBC approval.

From: Schutz, Adam (DEW) <Adam.Schutz@sa.gov.au>
Sent: Wednesday, 27 October 2021 3:41 PM
To: Thomas Jenkins <tom.jenkins@neoen.com>; travis.how <Travis.How@ebservices.com.au>
Cc: Farmer, Peter (DEW) <Peter.Farmer@sa.gov.au>; Simone Fogarty <fogarty@iinet.net.au>
Subject: RE: Goyder South - proposed conditions [SEC=OFFICIAL]

OFFICIAL

Hi Tom

The Panel did consider the application yesterday and agreed to approve it as presented with the changes that you have requested. We will finalise the three separate Decision Notifications and provide them to you shortly.

At the meeting, NVAP did receive three separate comments from the public regarding concerns with the project. NVAP would appreciate a brief response regarding the following matters that have been raised;

- A submission provided information indicating that a Wedge Tailed eagle nest on a neighbouring property is less than the 1km to two proposed wind turbines. Is Neoen aware of this concern and if so, was this area previously surveyed for Wedged Tailed eagle nest and if the nest is present, what actions are proposed to be taken?
- A couple of submissions raised concerns regarding the cumulative impacts on both Pygmy Blue Tongue lizard, Wedge Tailed Eagles and threatened vegetation communities, this particularly relates to the extent to which the north south ridgelines of the mid north have been or are proposed to be developed for windfarms. To what extent were the cumulative impacts of this project considered, particularly in relation to existing windfarms?

In regards to the application that was submitted for the early geotech works, I assume that Neoen will withdraw the application given that it is no longer needed.

Finally, in relation to the SEB, please let us know when you would like to meet to discuss any outstanding issues. Hopefully you will be able to fly here again soon.

Please let me know if you have any questions.

Thanks

Adam Schutz
Coordinator, Assessments and Stakeholder Liaison
Native Vegetation Branch
Department of Environment and Water

T: 08 8207 7713 | M: S6(1) **| E:** adam.schutz@sa.gov.au

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From: Thomas Jenkins <tom.jenkins@neoen.com>
Sent: Wednesday, 27 October 2021 12:38 PM
To: travis.how <Travis.How@ebservices.com.au>; Schutz, Adam (DEW) <Adam.Schutz@sa.gov.au>
Cc: Farmer, Peter (DEW) <Peter.Farmer@sa.gov.au>; Simone Fogarty <fogarty@iinet.net.au>
Subject: RE: Goyder South - proposed conditions [SEC=OFFICIAL]

Hi Adam,

I was just hoping I could bother you for an update on the Panel's meeting yesterday. Is there anything else needed from us?

All the best,

Tom

From: Thomas Jenkins
Sent: Monday, 25 October 2021 4:02 PM
To: Travis How <Travis.How@ebservices.com.au>; Schutz, Adam (DEW) <Adam.Schutz@sa.gov.au>
Cc: Farmer, Peter (DEW) <Peter.Farmer@sa.gov.au>; Simone Fogarty <fogarty@iinet.net.au>
Subject: RE: Goyder South - proposed conditions [SEC=OFFICIAL]

Thanks Adam. Really appreciate the prompt responses and NVC's helpfulness with regard to the vagaries of project finance!

I will also be available over that time but Travis will no doubt be more helpful with most questions. If there are, however, any questions about the involvement of DEW or the management of public access arrangements for the Gorge into the future then please give me a call.

Kind regards,

Tom

From: Travis How <Travis.How@ebservices.com.au>
Sent: Monday, 25 October 2021 3:40 PM
To: Schutz, Adam (DEW) <Adam.Schutz@sa.gov.au>; Thomas Jenkins <tom.jenkins@neoen.com>
Cc: Farmer, Peter (DEW) <Peter.Farmer@sa.gov.au>; Simone Fogarty <fogarty@iinet.net.au>
Subject: RE: Goyder South - proposed conditions [SEC=OFFICIAL]

Hi Adam,

Thanks for the feedback. I'll be available tomorrow between 10 and 11 if required to answer any queries that arise.

Thanks
Travis

Dr Travis How
Director
EBS Ecology + EBS Restoration + EBS Heritage

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From: Schutz, Adam (DEW) <Adam.Schutz@sa.gov.au>
Sent: Monday, 25 October 2021 2:56 PM
To: Thomas Jenkins <tom.jenkins@neoen.com>
Cc: Farmer, Peter (DEW) <Peter.Farmer@sa.gov.au>; Travis How <Travis.How@ebservices.com.au>; Simone Fogarty <fogarty@iinet.net.au>
Subject: RE: Goyder South - proposed conditions [SEC=OFFICIAL]

OFFICIAL

Hi Tom

Thank you for the feedback and please find a response below to each point that has been raised.

1. Splitting the decisions in not our preferred approach, however we recognise the issues that you have raised. Therefore we will draft three separate decisions and seek NVAP's endorsement for this approach (we don't expect any concerns from the panel regarding this proposal).
2. In relation to Building Rules Consent, the decision does mention that this only applies where relevant, therefore it would not have an impact on your requirements. However for the purpose of clarity, we are happy to remove the reference to Building Rules Consent.
3. In relation to the SEB shortfall, I am happy to have a discussion with you and Travis about this. Given that the final SEB points to be assigned to the SEB area are not being determined tomorrow at the NVAP meeting, there is no need to discuss it with the Panel at this stage. This is a discussion that can be had with the Panel, if needed, at a later point in time once the additional surveys are complete and the management plan has been development.

   More generally regarding a presentation to NVAP, given that there has been a presentation to the NVC previously, I don't see that there is a particular need for Neoen to present tomorrow. Noting, the Branch has not raised any particular concerns in our assessment of the application, therefore there is not much further information that needs to be provided at this point in time. However, should the Panel seek some further information, would you, Simone or Travis be available between 10 and 11am tomorrow if we were to contact you?

Thanks

Adam Schutz
Coordinator, Assessments and Stakeholder Liaison
Native Vegetation Branch
Department of Environment and Water

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From: Thomas Jenkins [mailto:tom.jenkins@neoen.com]
Sent: Friday, 22 October 2021 5:44 PM
To: Schutz, Adam (DEW) <Adam.Schutz@sa.gov.au>
Cc: Farmer, Peter (DEW) <Peter.Farmer@sa.gov.au>; travis.how <travis.how@ebservices.com.au>; Simone Fogarty <fogarty@iinet.net.au>
Subject: RE: Goyder South - proposed conditions [SEC=OFFICIAL]

Hi Adam,

Just a few comments from us:

1. If possible, I would really appreciate splitting the approval into 1A, 1B and the OHL/substation assets. I appreciate this is quite a pain, but there are some very good reasons for it:
    a. 1B may proceed some time after 1A;
    b. We are financing 1A and 1B separately, and it simplifies our financial close process enormously to have split approvals because financiers do not need to worry about 'cross-breach' caused by the other project. This is the approach we've taken with EPBC and DAWE has accepted it, but I'd be happy to go into more detail about the rationale here if needed.

2. Because we've used the s49 Crown development pathway, my understanding is that Building Rules Consent isn't really relevant to the project. Would it be possible to have that wording removed for clarity? Financiers will scrutinise all our approvals so it is preferable to remove all possible sources of confusion.

3. We do have some queries around the SEB point shortfall. We feel this may be partially resolved with a more detailed survey prior to drafting the management plan allowing us to increase some of the points ratings, but prior to that, we'd also be keen to understand whether some of the unique qualities of the Gorge that aren't SEB-measurable might be factored in. Would it be possible to have a discussion on this with Travis and myself? If so, would it be best to do this with just yourself or during the Panel presentation?

   Relevantly, Travis and I were wondering whether our presence at the Panel (remotely in my case) would be useful, acknowledging that the project and Gorge proposal have already been presented previously. Naturally we'll take your guidance on this.

4. All the other conditions look great.

Cheers,

Tom

From: Schutz, Adam (DEW) <Adam.Schutz@sa.gov.au>
Sent: Thursday, 21 October 2021 9:24 AM
To: Thomas Jenkins <tom.jenkins@neoen.com>
Cc: Farmer, Peter (DEW) <Peter.Farmer@sa.gov.au>
Subject: Goyder South - proposed conditions [SEC=OFFICIAL]

OFFICIAL

Hi Tom

It has been some time since we have spoken.

As you will be aware, Neoen's Goyder South clearance applications are set to be considered by the Native Vegetation Assessment Panel next Tuesday. In preparation for the meeting, the Native Vegetation Branch has prepared draft conditions for consideration by the Panel, to be attached to the decision if approval is given. These draft conditions are provided below and are presented to give you an opportunity to make comment prior to the meeting should there be any areas of concern or in need of clarification.

Please note, whilst Neoen provided three separate applications representing the different stages of the development, given that it is all part of the one development, the branch has completed its assessment and drafted the proposed conditions for all three stages as one consolidated decision. However, it has been drafted such that if one stage of the development does not proceed, that the obligations attached to the decision can be adjusted accordingly.

Draft Conditions

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 *Planning, Development and Infrastructure Act 2016* (including Building Rules Consent where required).
   Note: It is acknowledged that development approval was granted for (Application ID: 5332; Application number: 422/V009/20) on the 3 March 2021.
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:

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 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.

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.

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.
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.
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.
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.
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.

Please contact me if you would like to discuss or if you have any questions.

Thanks

Adam Schutz

Coordinator, Assessments and Stakeholder Liaison
Native Vegetation Branch
Department of Environment and Water

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