



# Native Vegetation Council

Reference: NVR 2019/3004/850, NVC Mtg 222 Agenda Item 7

Contact: Peter Farmer  
Telephone: 8207 7704

Level 4  
81-95 Waymouth St  
ADELAIDE SA 5000

15 March, 2019

Rex Pong  
Assistant Project Manager  
SIMEC ZEN Energy Australia  
PO Box 141  
OAKLANDS PARK SA, 5046

GPO Box 1047  
ADELAIDE SA 5001

Ph | 08 8303 9777

[nvc@sa.gov.au](mailto:nvc@sa.gov.au)

cc: Mark Laws, EBS Ecology; Eyre Peninsula NRM

## REGULATION ADVICE NOTIFICATION *Schedule 1, Regulation 12(34) – Infrastructure*

Dear Rex,

### RE: The Cultana Solar Farm

At its meeting on 6<sup>th</sup> March 2019 the Native Vegetation Council (NVC) considered the proposed native vegetation clearance associated with the construction of a 280MW solar farm, battery storage, ancillary infrastructure and transmission lines described in the Cultana Solar Farm application, based on information provided by the Native Vegetation Branch (NVB) and supplied application documentation.

The NVC would like to thank Sturt Daley (Project Manager, SIMEC Energy), Mark Laws (Ecologist, EBS Ecology), Gareth Oerman (Senior Ecologist, EBS Ecology) and Hannah Keynes (Environmental Scientist, Golder Associates) and yourself for attending the meeting. The NVC considered that the proposed clearance described in the Cultana Solar Farm application and determined that the application satisfies the requirements of Native Vegetation Schedule 1, Regulation 12(34) (Attachment 1). The NVC resolved to endorse the clearance of up to 675.57 ha of native vegetation as described in the Cultana Solar Farm application including report titled: *EBS Ecology (2019) Cultana Solar Farm: Native Vegetation Clearance Report. Report to SIMEC ZEN Energy. EBS Ecology, Adelaide, rev. 3 dated 15/01/2019* and *EBS Ecology (2019) Cultana Solar Farm: Addendum – Native Vegetation Clearance Report. Report to SIMEC Zen Energy. EBS Ecology, Adelaide, dated 8/02/2019* subject to:

1. Confirmation of final impact areas. If there is any change to the clearance requirement for the development, SIMEC ZEN Energy is to confirm the final clearance area and SEB offset requirement on finalizing the detailed design of the Cultana Solar Farm Project prior to undertaking clearance. The extent of clearance must include, but not limited to clearance for construction, solar photo voltaic arrays, battery storage system, transmission line (including vegetation management clearance zones) and ancillary infrastructure including substation, fencing, access roads, laydown areas and temporary construction facilities requirements;



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2. Compliance with the regulation is subject to full development consent being granted by the State Commission Assessment Panel for Development Application No. 850/V003/18 prior to any native vegetation clearance occurring on site.
3. A pre clearance survey is to be undertaken by a suitably qualified ecologist to determine the presence of fauna species immediately prior to commencement of vegetation clearance. Where fauna are identified with the inability to independently relocate easily, the impacted individuals are to be relocated to suitable habitat nearby under supervision of a suitably qualified ecologist.
4. An Significant Environmental Benefit offset requirement equivalent to 39,054.65 SEB points based on 675.57 ha clearance, is to be delivered by the SIMEC ZEN Energy by payment of \$3,360,590.77 (Native Vegetation Fund \$3,185,394.09 GST exclusive, Administration fee \$175,196.68 GST inclusive) or revised amount based on outcome of (condition 1) to the Native Vegetation Fund to be made within one month of invoice date. (Note the invoice will not be sent until the attached form "Understanding of Regulation Advice" is signed and returned).
5. Payments is to occur in Stages, with invoices being issued by the Native Vegetation Branch upon the applicant informing the Native Vegetation Branch upon the completion of each stage:

**Stage 1:** After all approvals required by South Australian Government are granted (including approvals under the *Development Act 1993*), but prior to clearance of native vegetation occurring - \$800,000;

**Stage 2:** After clearance of 50% of the vegetation on site has occurred (totalling 337.785ha) - \$800,000;

**Stage 3:** After clearance of 75% of the vegetation on site has occurred (totalling 506.6775ha) – \$800,000;

**Stage 4:** After clearance of 100% of vegetation on site has occurred (675.57ha), to discharge the final installment either;

a) Payment of \$960,590.77;

**OR**

- b) Conducting an assessment of the vegetation of the area cleared of vegetation 2 months post completion of the clearance of the vegetation for the solar farm. The assessment and associated report must be completed by an NVC accredited consultant. The assessment will report on the full extent of the clearance associated with the solar farm, including both direct and indirect impacts from the construction and subsequent operation. Additionally, the assessment must also detail the extent and composition of any native vegetation that has been re-established within the development areas; and
- c) Provide a copy of the report to the Native Vegetation Council for consideration within 4 months of the completion of clearance of native vegetation. Subsequent to the review, the NVC may, depending on the full extent of the impact of the development and the re-establishment of native vegetation, alter the Stage 4 SEB payment. The invoice for Stage 4 will be issued was the final payment has been determined.

*Note: Should the applicant fail to inform the NVC of reaching a clearance milestone specified in Condition 5, or does not provide a report in the timeframe specified in*



*Condition 5, subsection c, then an invoice for the full amount specified in Condition 4 will issued.*

6. Site preparation and construction activities will occur in accordance with an Environmental Management Plan(s) that is to be developed for the construction and operational phases of the development to the satisfaction of the State Commission Assessment Panel/Minister for Planning, for any forthcoming planning consent (DA No. 850/V003/18), prior to commencement of construction, in part, so as to minimize impacts on other native vegetation not approved for clearance on the subject land by, but not restricted to:

- Restricting vehicle movement to avoid damage to other native vegetation on site;
- Suppressing erosion or sedimentation;
- Controlling the spread of pest plant and pathogenic material;

*Note: A draft of the plans should be submitted to the NVB for review prior to endorsement by SCAP; and*

7. Annual monitoring of:

- a) Fauna, particularly avifauna is to be undertaken for a period of 3 years commencing post completion of construction. Monitoring design is to measure the presence/absence of species and include sites within retained native vegetation (Northern section of Block A (D90705 A1)), pre clearance reference sites and areas of rolled vegetation within the solar array field. A report of monitoring outcomes is to be provided annually to the Native Vegetation Branch;
- b) Vegetation, undertaken for a period of 3 years commencing post completion of construction. Monitoring design is to measure vegetation recovery post clearance by rolling, including composition, recruitment, rehabilitation, weed cover and management post recovery. A report of monitoring outcomes is to be provided annually to the Native Vegetation Branch; and

8. Cleared timber/vegetation is to be used as habitat, suitable material is to be sensitively placed around the site, where appropriate reflective of the vegetation communities. It is preferred that surplus cleared vegetation material remains on site and used for seed source, erosion and dust mitigation or mulched and spread on site.
9. The endorsement shall be valid for a period of 2 years from the decision date, after which time a new endorsement will be required.

*Note: In respect of the proposed clearance you are informed that the Native Vegetation Council makes this decision in accordance with the *Native Vegetation Act 1991* and accepts no responsibility to release the landowner from the requirements of the *Commonwealth Environment Protection & Biodiversity Conservation Act 1999*.*

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

Please feel free to contact Peter Famer on 8207 7704 if you have any questions.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'ASchutz', followed by the date '15/3/2019' written in the same ink.

Adam Schutz  
**Delegate**  
**Native Vegetation Council**

## **Attachment 1**

### Schedule 1, Regulation 12(34) – Infrastructure

## **Division 5—Risk assessment**

### **12—Risk assessment**

- (1) Subject to this Division, native vegetation may be cleared in any of the circumstances set out in Schedule 1 Part 4, Part 5 or Part 6.
- (2) The operation of this regulation extends to native vegetation that is growing or is situated on land that is subject to a heritage agreement or a management agreement if a provision of the relevant Part of Schedule 1 setting out circumstances in which vegetation may be cleared specifies that the provision applies to such vegetation.

### **16—Clearance for other activities**

- (1) Clearance of native vegetation for the purposes of activities of a kind specified in Schedule 1 Part 6 is permitted only if it is undertaken in accordance with—
  - (a) the written approval of the Council; or
  - (b) a standard operating procedure determined or approved by the Council for the purposes of this provision.
- (2) Authorisation to clear native vegetation under subregulation (1) is subject to—
  - (a) a condition—
    - (i) that the clearance of native vegetation is to be undertaken in accordance with a management plan, approved by the Council for implementation, that results in a significant environmental benefit; or
    - (ii) that the person undertaking the operations is to make a payment into the Fund of an amount considered by the Council to be sufficient to achieve a significant environmental benefit in the manner contemplated by section 21(6) or (6a) of the Act, as determined by the Council; and
  - (b) such other conditions as the Council thinks fit.
- (3) Clearance of native vegetation for the purposes of activities of a kind specified in Schedule 1 Part 6 is permitted only if any conditions that apply to the approval are complied with.

## **Schedule 1, Part 6**

### **34—Infrastructure**

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

*infrastructure* includes—

  - (a) flood mitigation works; and
  - (b) an airstrip; and
  - (c) a shipping channel; and
  - (d) a public reservoir.





**Note:** Please read the Regulation Advice Notification to acknowledge that you have understood the Advice made by the Native Vegetation Council, then sign and return this form by post or email to:

**Send to:** Peter Farmer,  
Native Vegetation Branch,  
Dept Environment, Water & Natural Resources,  
GPO Box 1047 Adelaide SA 5001

**Email:** [peter.farmer@sa.gov.au](mailto:peter.farmer@sa.gov.au)

**UNDERSTANDING OF REGULATION ADVICE**

**File:** 2010/3004/850 SIMEC ZEN Energy, Cultana Solar Farm

*I clearly understand the Native Vegetation Council's Regulation Advice Notification and the conditions associated with clearance.*

Name of Landowner(s) or Company: .....

Signature of Landowner(s) or seal of Company and authorised signatory:

.....

.....

.....

.....

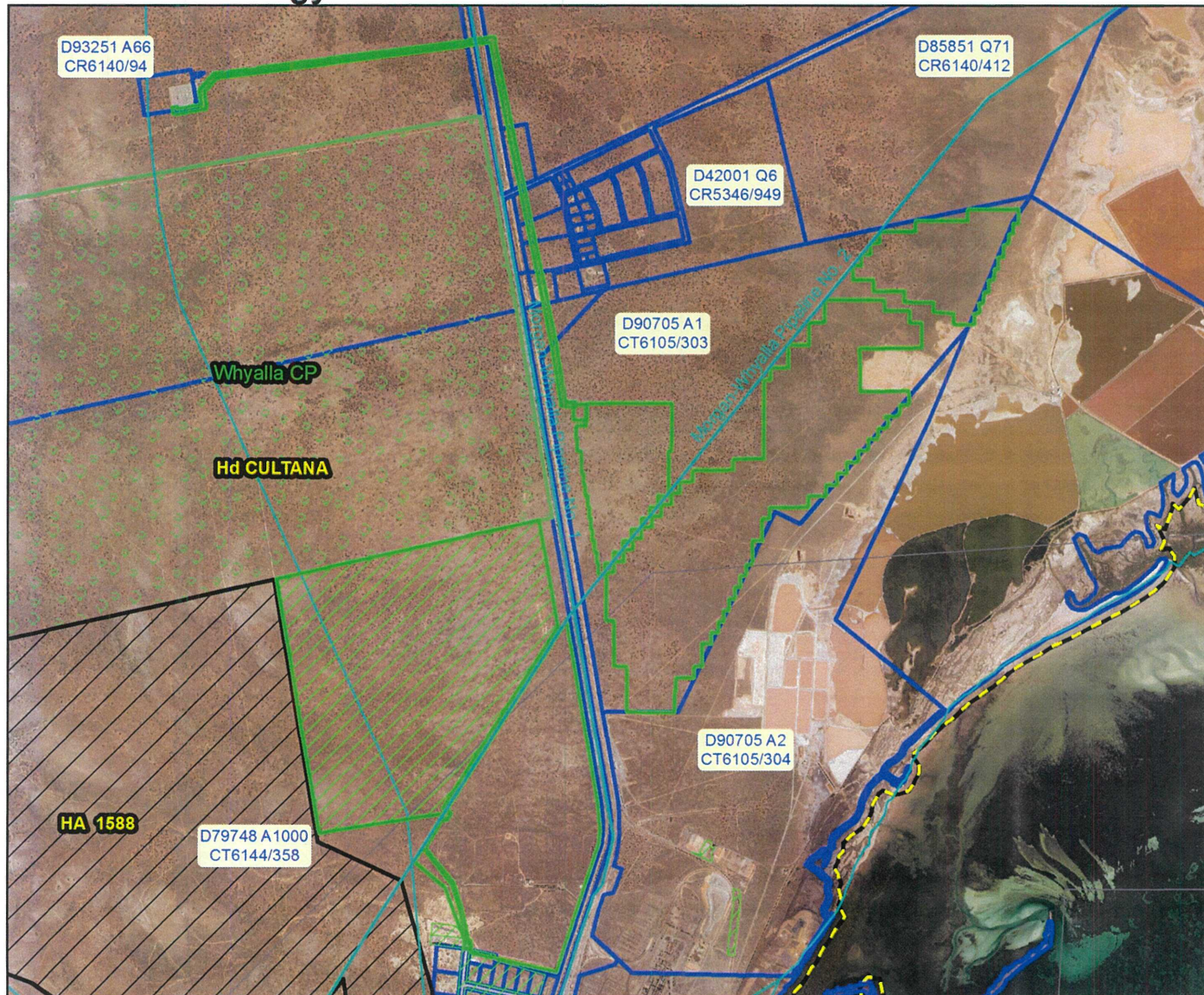
Date : .....



# Native Vegetation Regulation Application Regulation 12(34) - Infrastructure SIMEC ZEN Energy - Cultana Solar Farm



Government of South Australia  
Department for Environment  
and Water



## REGULATION ADVICE PLAN

TO FORM PART OF THE ADVICE TO THE  
NATIVE VEGETATION COUNCIL

APPLICATION NO. 2019/3004/850

HUNDRED of CULTANA

D79748 A1000  
D90705 A1  
D90705 A2

Certificate of Title Vol 6144 Fol 358  
Certificate of Title Vol 6105 Fol 303  
Certificate of Title Vol 6105 Fol 304

-  Clearance exempt under Regulation 12(34)
-  Existing SEB Area  
(Mt Laura Heritage Agreement)
-  Previously approved clearance
-  Whyalla Conservation Park
-  Property/Section Boundary
-  Road
-  Pipeline

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


Imagery: Flinders Ranges 26Jan-9Mar2017 40cm

Date: 21/02/2019  
Version: 02  
Datum: GDA94

SO: PF

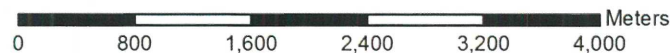


Native Vegetation Council

  
Delegate, Native Vegetation Council

Dated: 15/3/2019

Decision Date: 15/3/2019



Scale: 1:50000



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