



# Native Vegetation Council

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Reference: 2023/3101/711 & DA 230011700

Contact: Sharon Gillam

Telephone: 8429 7648

81-95 Waymouth St  
ADELAIDE SA 5000

GPO Box 1047  
Adelaide SA 5001

15 June 2023

Ph| 08 8303 9777

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

[REDACTED]  
[REDACTED]  
SynCo Global Pty Ltd  
Suite 130 Level 1/33 Pirie Street  
Adelaide SA 5000  
[REDACTED]

## DECISION NOTIFICATION

Clearance Application – 2023/3101/711 & Development application - 230011700

Dear [REDACTED]

I refer to your application to the Native Vegetation Council (NVC) on behalf of North West Bend Solar Project Pty Ltd for consent to clear 172.78 ha native vegetation registered on 7795 Goyder Highway, Morgan SA (Parcel ID: H120700 S141; H120700 S140 CT5549/747). I also refer to the associated development application 230011700 for the same purpose, referred to the NVC under the *Planning, Development and Infrastructure Act 2016* (PDI Act) on 2 May 2023.

The Native Vegetation Assessment Panel (NVAP) would like to thank you for attending the meeting held on 13 June 2023.

At the meeting NVAP considered the referred Development Application and the associated clearance application for the purpose of construction of a renewable energy facility, in conjunction with a report from the Native Vegetation Branch. On the basis of the information presented, NVAP resolved to grant consent, subject to the conditions outlined on the attached Decision Notification. As detailed in the attached Decision Notification, you are required to sign and return the Decision Notification Acknowledgement form prior to undertaking any clearance.

NVAP commends you for the proposed approach in relation to the retention of native vegetation within the Solar Farm. NVAP considered this as a significant reason that it is able to consent to the clearance of vegetation. In the absence of the proposed vegetation management approach, it is likely the clearance would have been deemed Seriously at variance with the principles of clearance, which would have likely necessitated a refusal. NVAP considered the proposed vegetation management approach in relation to determining the Significant Environmental Benefit (SEB) requirements, but determined that the SEB obligation must be met in full. NVAP provides the following reasons for this:

- There is significant uncertainty in relation to the full extent of impacts on native vegetation as a result of the construction, operations and decommissioning of the solar farm. Whilst the proposed approach presented at the meeting is very promising, it is yet to be demonstrated in practice, therefore the actual impacts that it may have are unknown and whether it is practical or feasible, or whether more impactful methods might be needed to be employed during construction or operations.

- There is significant uncertainty in relation to the effects of shading and water redistribution as a result of the solar panels. It is possible that these impacts may be negative on native vegetation and could promote the growth of weeds.
- There is significant uncertainty in relation to the impact on fauna habitat as a result of development of the solar farm. The addition of a substantial artificial structure, with a new network of track access (although recognised that they won't be formalised roads) could significantly reduce habitat value.

Given the significant uncertainties in relation to the impacts of the development, NVAP considers it appropriate to determine the SEB on the maximum potential impact as a result of the development (i.e. Loss Factor of 1.0).

NVAP also determined that a Heritage Agreement be entered into with the Minister for Environment and Water over 150.79 hectares of native vegetation contained in SEB Area as delineated on the attached plan. This is due to the large size of the SEB, therefore NVAP seeks a higher level of protection.

The Native Vegetation Branch is available to discuss this matter further. Please contact Andrew Groom on 8429 7645 or [andrew.groom@sa.gov.au](mailto:andrew.groom@sa.gov.au).

Yours sincerely,



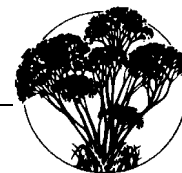
Dr Marilyn Henderson

**Chair**

**Native Vegetation Assessment Panel**

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



## DECISION NOTIFICATION *Native Vegetation Regulations 2017*

**Application Number: 2023/3101/711**

To:



SynCo Global Pty Ltd  
Suite 130 Level 1/33 Pirie Street  
Adelaide SA 5000

**Date Received:**

02/05/2023

**Date Registered:**

25/05/2023



<b>Applicant</b>	North West Bend Solar Project Pty Ltd
<b>Landholder</b>	SynCo Global Pty Ltd
<b>Purpose of application</b>	Clearance is required for the construction of a renewable energy facility in the form of a battery storage facility (x2), a solar farm, and associated infrastructure.
<b>Description of native vegetation under application</b>	<p><b>An estimated 172.78 ha</b> of native vegetation over six vegetation associations, as follows:</p> <ul style="list-style-type: none"><li><b>40.75 ha of <i>Maireana sedifolia</i> +/- <i>Acacia nyssophylla</i></b> Low Open Shrubland with emergent <i>Eucalyptus socialis</i>;</li><li><b>127.18 ha of <i>Maireana sedifolia</i></b> Low Open Shrubland;</li><li><b>0.77 ha of <i>Myoporum platycarpum</i> +/- <i>Alectryon oleifolius</i></b> Low Open Woodland over <i>Maireana sedifolia</i></li><li><b>3.58 ha of <i>Lycium australe</i></b> Low Open Shrubland;</li><li><b>0.07 ha of <i>Casuarina pauper</i></b> Open woodland;</li></ul>
<b>Location of the application</b>	<p>Local Government Area: Mid Murray Council</p> <p>Parcel ID/Title ID: H120700 S141; H120700 S140 CT5549/747</p> <p>Hundred: Eba</p> <p>Location: 7795 Goyder Highway, Morgan SA 5320 (corner of Controversial Rd and Go Kart Rd)</p>

### 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*.

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



**Government  
of South Australia**

1. **Grants consent** to the clearance of 172.78 ha native vegetation in the area shown on the attached Decision Plan 2023/3101/711 for the purpose specified in this decision.

### **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. No clearance to occur until Development Approval has been obtained under the *Planning, Development and Infrastructure Act 2016* (including Building Rules Consent where required).
2. Clearance to be confined to the 172.78 ha native vegetation as shown on the attached Decision Plan 2023/3101/711, and in the submitted report: *Native Vegetation Clearance Data Report, North West Bend Solar Farm Project, Morgan SA*, prepared by Jessica Skewes – EBS Ecology, dated 06/06/2023 V3;
3. 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.
4. Prior to clearance commencing, the applicant must define the area and 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. Infrastructure construction is undertaken in a way that machinery, vehicle movement and material laydown areas are restricted to the approved clearance area, existing tracks or areas devoid of native vegetation;
6. Any excavation or fill material surplus to the requirements of the development must be disposed of such that it will not:
  - adversely impact on native vegetation;
  - contribute to erosion or sedimentation;
  - facilitate the spread of pest plant and pathogenic material;
7. Part of the Significant Environmental Benefit requirement (equivalent to 9319.72 SEB points) is to be achieved by making a payment of \$2,412,134.75 (\$2,291,528.00 - GST exclusive - for the clearance and \$120,606.73 for administration – GST inclusive) to the Native Vegetation Fund, and is to be made within one month of invoice date. (Note the invoice will be sent once the attached form 'Decision Notification acknowledgement' is signed and returned);
8. The landowner is to permanently set aside and actively manage an area of native vegetation totalling 150.79 ha (providing the balance of 786.84 SEB points) as shown in the attached Plan numbered 2023/3101/711 Plan 2, for the growth of native vegetation and for no other purpose;
9. The applicant is to manage the set aside in accordance with the SEB management plan to permanently maintain that land for the purpose of growth of native vegetation and management of environmental threats and degrading processes. The SEB management requirements include:

- 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;
  - 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);
  - undertaking an effective and ongoing weed and declared animal pest control program within the set-aside area to ensure the successful regeneration of native vegetation in the area;
10. A Heritage Agreement be entered into with the Minister for Environment and Water over 150.79 hectares of native vegetation contained in SEB Area as delineated on the attached plan and be signed by the landowner and returned to the Native Vegetation Branch, within four (4) weeks of receipt of the agreement documents.
11. During the active timeframe of the Native Vegetation Management Plan associated with application 2023/2006/894, the Native Vegetation Council may request, in writing, a review and update of the plan if the monitoring conducted indicates that vegetation is not improving in condition to the extent that is expected, or if the actions are unlikely to achieve the objectives specified in the plan, or if new management threats are identified.
12. 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;
13. 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;
14. 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;
15. 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	Dr Marilyn Henderson
Position	<b>CHAIR, NATIVE VEGETATION ASSESSMENT PANEL</b> <b>DELEGATE TO NATIVE VEGETATION COUNCIL</b>
Date	13/06/2023 (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:** 2023/3101/711      **SynCo Global Pty Ltd**  
**Attention:** [REDACTED]  
**North West Bend Solar Project**  
**7795 Goyder Hwy, Morgan**

*The applicant, and all parties to the decision, have received a copy of the Decision Notification (decision date 13/06/2023) 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:**      [sharon.gillam@sa.gov.au](mailto:sharon.gillam@sa.gov.au)



# Native Vegetation Clearance Application North West Bend Solar Farm Project



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. 2023/3101/711

HUNDRED of EBA

Parcel & Title:  
H120700 S141 & H120700 S140  
CT5549/747

-  Conditional Consent  
(172.78 ha)
-  Property/Section Boundary
-  Road
-  Solar farm layout

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

Imagery: Latest\_Imagery\_ImageMapSA

Date: 13/06/2023  
Version: 01  
Datum: GDA2020

NVO: SG

*M. Henderson*

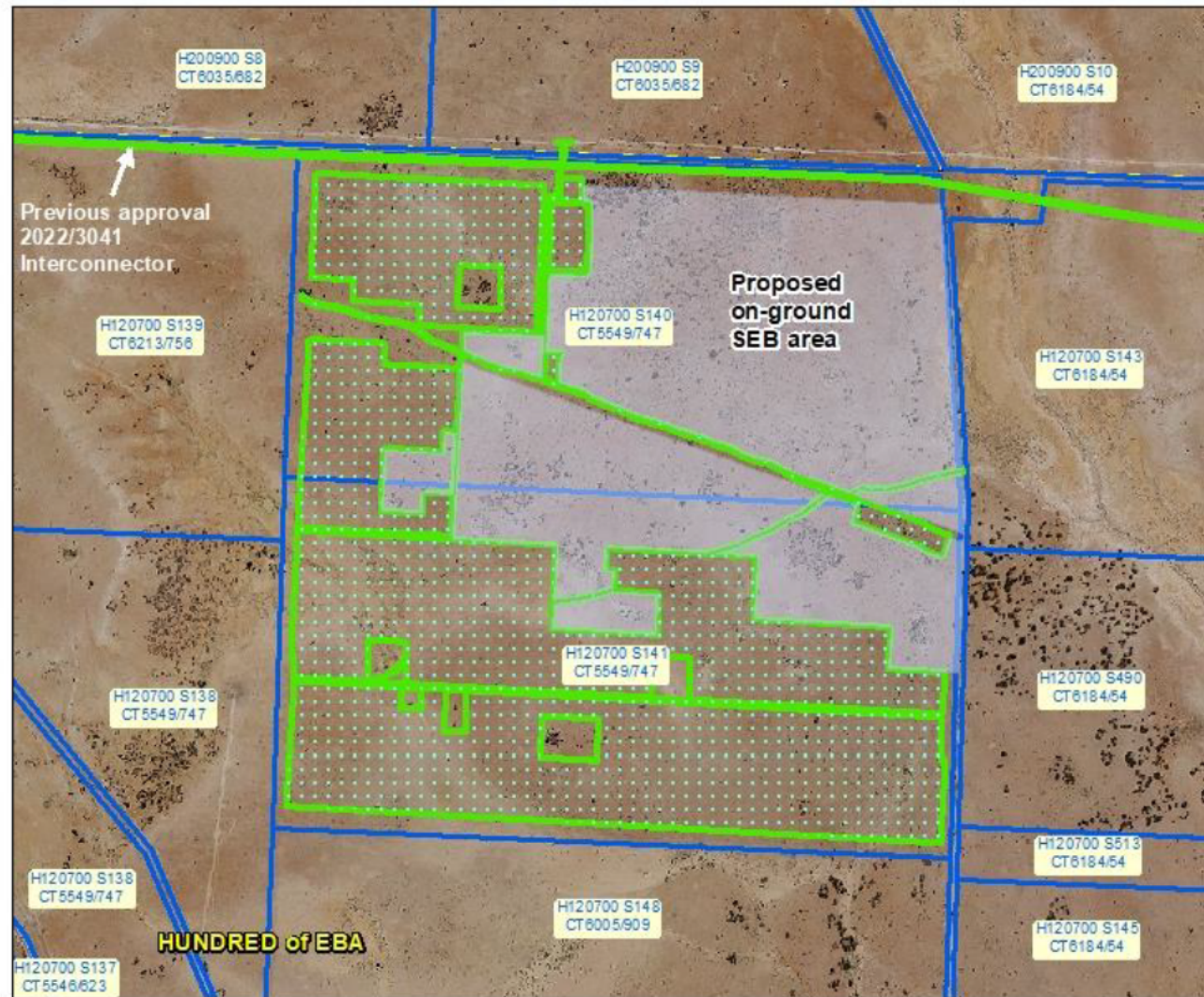
Dr Marilyn Henderson

Chair, Native Vegetation Assessment Panel

Decision Date: 13/06/2023



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Scale: 1:18000



# Native Vegetation Clearance Application North West Bend Solar Farm Project - On-ground SEB



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. 2023/3101/711

HUNDRED of EBA

Parcel & Title:  
H120700 S141 & H120700 S140  
CT5549/747

-  SEB Offset Area
-  Property/Section Boundary
-  Road
-  Solar farm layout

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

Imagery: Latest\_Imagery\_ImageMapSA

Date: 13/06/2023  
Version: 01  
Datum: GDA2020

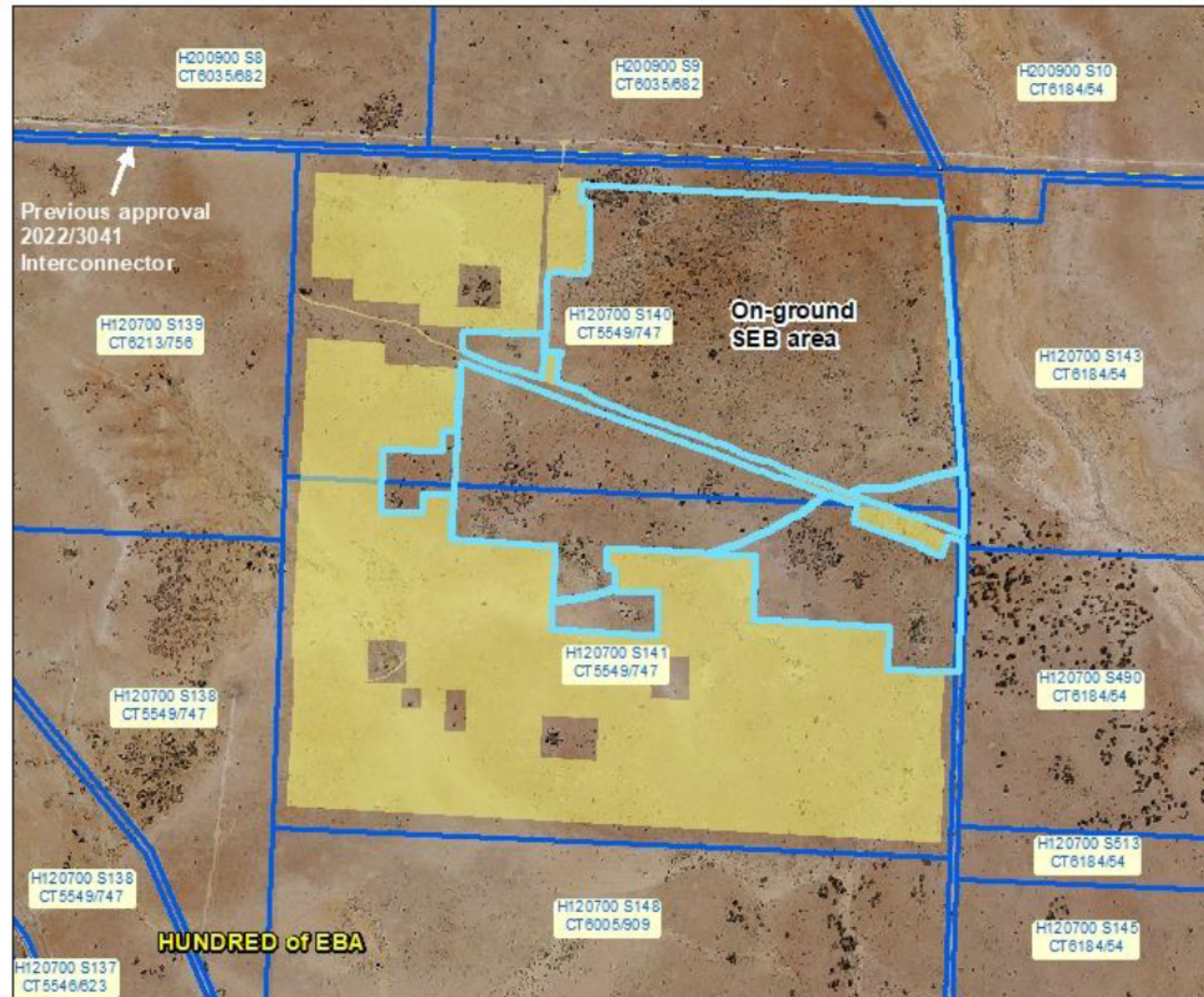
NVO: SG

*M. Henderson*



Dr Marilyn Henderson  
Chair, Native Vegetation Assessment Panel

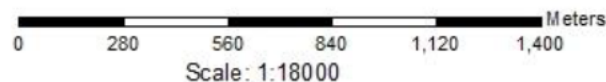
Decision Date: 13/06/2023



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