



# Native Vegetation Council

Reference: NVC 2011/3105/422, NVAP 30 Nov 2016 item 3.1

Contact: Alice Everitt  
Telephone: (08) 8207 7715

Level 9  
81-95 Waymouth St  
ADELAIDE SA 5000

9 December 2016

Simon Klapish  
Willogoleche Power Pty Ltd (Engie)

GPO Box 1047  
Adelaide SA 5001

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

cc: Alison Derry, EBS Ecology

## **AMENDED REGULATION ADVICE NOTIFICATION** *Regulation 5(1)(d) – Clearance of native vegetation for infrastructure*

Dear Mr Klapish,

I refer to your application on behalf of Willogoleche Power Pty Ltd for a wind farm at Willogoleche Hill in the Hundreds of Hallett and Anne.

In 2011 the Native Vegetation Council (NVC) considered your application for clearance of native vegetation for the construction of the wind farm and resolved that the proposed clearance satisfies the requirements of Native Vegetation Regulation 5(1)(d). On 30 November 2016 the Native Vegetation Assessment Panel (NVAP) reviewed your request to amend the SEB requirements for the clearance and resolved to approve the amendments. As such, the NVC endorses the use of NV Regulation 5(1)(d) under delegated authority subject to the following amended conditions:

1. Landowner consent to be obtained prior to any clearance of native vegetation;
2. Planning approval for the proposed development from the Regional Council of Goyder (422/126/10);
3. Approval for the proposed development under the Commonwealth EPBC Act (referral 2011/5850);
4. Payment of \$141,935.76 to be made into the Native Vegetation Fund within one month of actioning the clearance or of invoice receipt; and
5. Environmental Management and Implementation Plans for the proposed development be prepared and followed.

Please complete the attached form, "Understanding of Regulation Advice" (including signature and date) within one month of receiving it, to confirm with the Native Vegetation Council Secretariat that you fully understand the Advice and Conditions detailed in this letter.

Please feel free to contact Alice Everitt on 8207 7715 if you have any questions.

Yours sincerely,

**Adam Schutz**  
DELEGATE, NATIVE VEGETATION COUNCIL



**Government  
of South Australia**

## Attachment 1

5(1)(d) Building or provision of infrastructure, including infrastructure in the Public Interest.

**Pursuant to Section 27(1)(b) of the Act, native vegetation may, subject to any other Act or law to the contrary, be cleared if—**

- (i) —
- (A) the clearance is incidental to the construction or expansion of a building and the Minister has, by instrument in writing, declared that he or she is satisfied that the clearance is in the public interest; or
  - (B) the clearance is required in connection with the provision of infrastructure or services to a building or proposed building, or to any place; and
- (ii) any development authorisation required by or under the Development Act 1993 has been obtained; and
- (iii) the Council is satisfied (on the basis of information provided to the Council by the person seeking the benefit of this paragraph and such other information as the Council thinks fit) that, after taking into account the need to preserve biological diversity and the nature and purposes of any proposed building or infrastructure that is yet to be constructed, the proposed site of the building or infrastructure is the most suitable that is available; and
- (iv) the Council is satisfied (on the basis of information provided to the Council by the person seeking the benefit of this paragraph and such other information as the Council thinks fit) that, there is no other practicable alternative that would involve no clearance or the clearance of less vegetation or the clearance of vegetation that is less significant or (if relevant) the clearance of vegetation that has been degraded to a greater extent than the vegetation proposed to be cleared; and
- (v) the clearance is undertaken in accordance with a standard operating procedure determined or approved by the Council for the purposes of this provision or a management plan that has been approved by the Council, and either —
- (A) there will be a significant environmental benefit on the property where the clearance is being undertaken or within the same region of the State; or
  - (B) either—
    - the owner of the land (or a person acting on his or her behalf); or
    - a person connected with the construction or expansion of the building or infrastructure, or the provision of the infrastructure or services (as the case requires),has, on application to the Council to proceed with clearing the vegetation in accordance with this provision, made 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) of the Act.

### ***Definition of intact stratum***

*A substantially intact stratum of native vegetation is defined by s3A of the Native Vegetation Act 1991 as an area that, in the opinion of the Native Vegetation Council, has not been seriously degraded by human activity (but not degradation that has been caused by fire) during the immediately preceding period of 20 years.*

*A 'stratum' of native vegetation means a layer of a plant community consisting of plants that comprise native vegetation that have a similar growth habit. An area may be considered to have an intact stratum, even if another stratum is degraded.*



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

**Send to:** Native Vegetation Council  
GPO Box 1047  
ADELAIDE SA 5001

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

**UNDERSTANDING OF REGULATION ADVICE**

**File:** 2011/3105/422 Wind Prospect Pty Ltd – Willogoleche Windfarm  
AMENDED REGULATION ADVICE DEC 2016

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

Name of Landowner(s) or Company: Willogoleche Power Pty Ltd.

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



Greg Billman  
Head of Strategy,  
Business Development and Regulation

Date: 21/12/12.

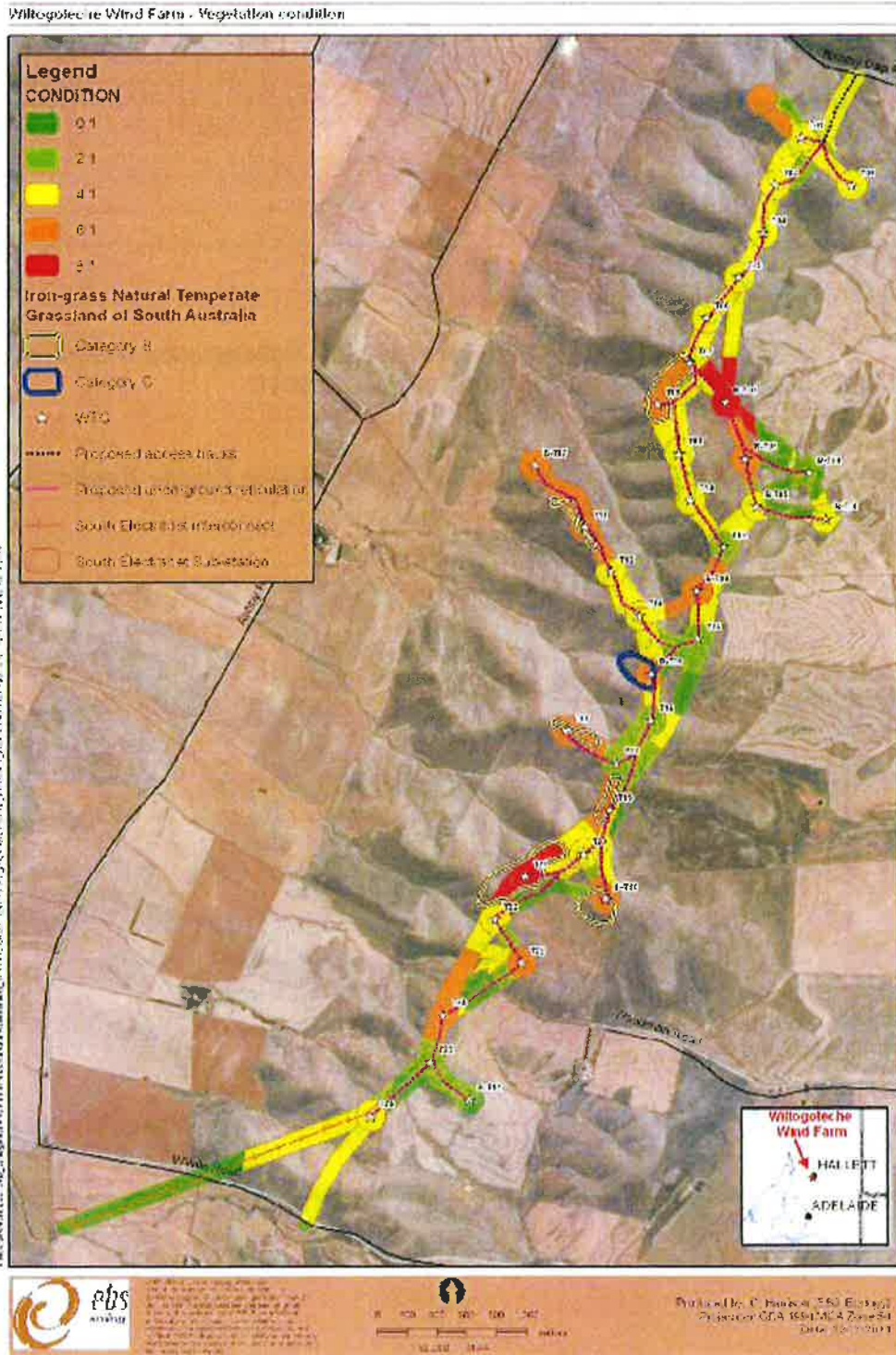


Figure 2. Condition of vegetation within the Willogoleche Wind Farm.