



# Native Vegetation Council

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File: 2019/3169/850

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2 March 2020

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

Dear Cath,

I refer to application dated 12 November 2019, in which approval was sought from the Native Vegetation Council (NVC) for the removal of native vegetation associated with construction of the New Whyalla High School under Schedule 1, Regulation 12(33) – New Dwellings and Buildings.

At its meeting of 11 February 2020 the Native Vegetation Assessment Panel (NVAP) considered your application in conjunction with the presentation by yourself, Nathan Hawkes (Project Manager – Turner & Townsend / DPTI), Adam Hannon (Lead Architect – Cox Architecture) and Tim Conybeare (Lead Landscape Architect – Aspect Studios) and a report from the Native Vegetation Branch. A written submission for Nature Conservation Society of South Australia was also considered. The application for the development, as detailed in the BlackOak Environmental report dated November 2018, was considered against Schedule 1, Regulation 12(33) – New dwellings and Buildings.

NVAP considered that the proposed clearance of up to 8.63 ha of native vegetation satisfies the requirements of Schedule 1, Regulation 12(33). NVAP resolved to endorse the use of Schedule 1, Regulation 12(33) as described in the *Native Vegetation Clearance Proposal – Whyalla Super School Data Report* prepared by BlackOak Environmental dated November 2018, subject to:

1. No clearance to occur until planning approval has been obtained;
2. No clearance to occur until detailed design has been finalised, including all trenching and service connections;
3. No clearance to occur until a Construction Environmental Management Plan (CEMP) has been prepared. The CEMP is to include methods to minimise vegetation impacts, methods to delineate the endorsed clearance area, construction storage and stockpile locations;
4. The SEB required to offset the clearance is 619.17 SEB points which is to be met via a payment of \$49,519.59 (\$46,938.00 for clearance GST exclusive and \$2,581.59 for the administration fee GST inclusive) into the Native Vegetation Fund 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. Construction machinery, vehicles, equipment or stockpiles are not to be stored or placed on top of Native Vegetation outside the clearance area discussed in Condition 4;
6. Clearance is to be confined to the area shown on the attached Regulation Advice Plan 2019/3169/850;
7. It is recommended that where possible, landscaping should be undertaken using local endemic species;
8. No clearance to occur until the attached form "Understanding of Regulation Advice" is signed and returned.
9. Members of the Council or a person who is an authorised officer under the Native Vegetation 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; and
10. The endorsement shall be for a period of two years, after which time a new endorsement is required.

Please arrange for an authorised representative of DPTI to complete the attached form, "Understanding of Regulation Advice" (including signature and date; a scanned copy is OK), to confirm that you/they fully understand the Advice and Conditions detailed in this letter. **No clearance is to occur until this form is signed and returned.**

Please contact me on 8207 7713 if you have any questions.

Yours sincerely,



2 March 2020

Adam Schutz

**Delegate**

**Native Vegetation Council**

## **Attachment 1. Native Vegetation Regulation 12(33)**

### **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) 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**

#### **33—New dwelling or building**

- (1) Clearance of vegetation required in order to erect a building or structure or other facility that is ancillary to a building, provided that any development authorisation required by or under the *Development Act 1993* has been obtained.
- (2) Subclause (1) does not apply to—
  - (a) clearance of vegetation established in accordance with a condition of a consent for clearance of vegetation; or
  - (b) clearance of vegetation undertaken in connection with subdivision of the land on which the vegetation is growing or is situated; or
  - (c) clearance that would be contrary to—
    - (i) a condition of a consent for clearance of vegetation; or
    - (ii) a condition imposed in connection with clearance of vegetation permitted under these regulations; or
    - (iii) a condition in respect of clearance permitted under the revoked regulations.



**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: Adam Schutz**  
**Native Vegetation**  
**Branch, Department for Environment and Water, GPO Box 1047,**  
**Adelaide SA 5001**

**Scan & Email: adam.schutz@sa.gov.au**

***UNDERSTANDING OF REGULATION ADVICE***

***File: 2019/3169/850 New Whyalla High School***

***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 12(33) Application Whyalla Super School, DPTI



## REGULATION ADVICE PLAN

TO FORM PART OF THE ADVICE TO THE  
NATIVE VEGETATION COUNCIL

APPLICATION NO. 2019 /3169/ 850

HUNDRED of Randell

D44349 A1, CR5988/172  
T560501 A6644, CT5509/439

-  Conditional Consent
-  Property/Section Boundary
-  Road

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

Imagery: FlindersRanges\_26Jan-9Mar2017\_40cm

Date: 9/1/2020  
Version: 01  
Datum: GDA94

AO: TS

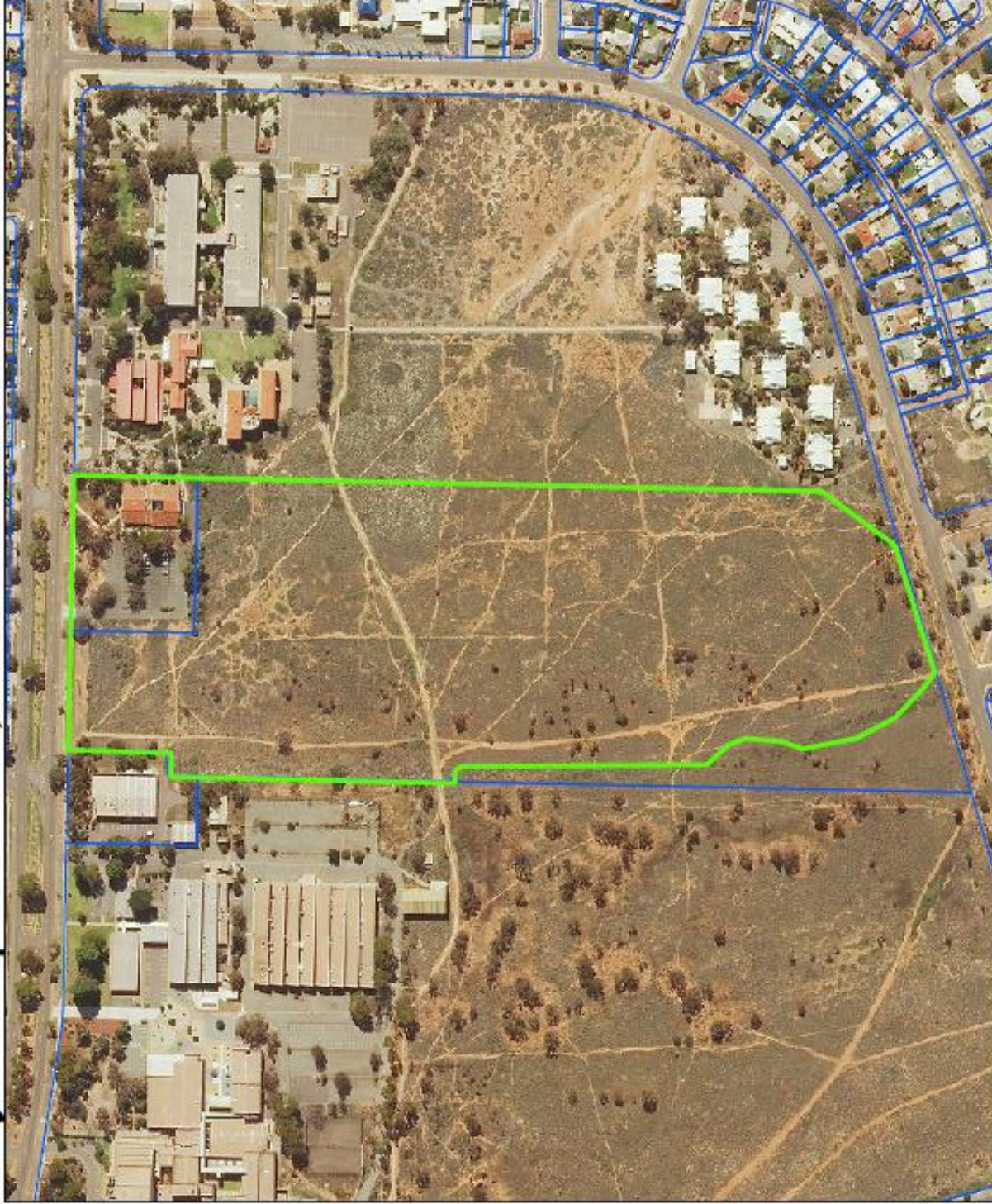


Delegate, Native Vegetation Council

Dated: 2 March 2020



Native Vegetation Council



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