



APPROVAL

Golden Plains Wind Farm, Victoria (EPBC 2017/7965)

This decision is made under sections 130(1) and 133(1) of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth). Note that section 134(1A) of the EPBC Act applies to this approval, which provides in general terms that if the approval holder authorises another person to undertake any part of the action, the approval holder must take all reasonable steps to ensure that the other person is informed of any conditions attached to this approval, and that the other person complies with any such condition.

Details

Person to whom the approval is granted (approval holder)	WestWind Energy Pty Ltd
ACN or ABN of approval holder	ABN 94 109 132 201
Action	To construct and operate a wind farm of up to 228 wind turbines and associated infrastructure near Rokewood, approximately 40 km south of Ballarat, Victoria [see EPBC Act referral 2017/7965].

Approval decision

My decision on whether or not to approve the taking of the action for the purposes of the controlling provision for the action is as follows.

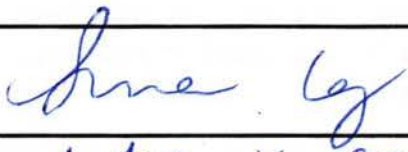
Controlling Provisions

Listed Threatened Species and Communities	
Section 18	Approve
Section 18A	Approve

Period for which the approval has effect

This approval has effect until 30 January 2050.

Decision-maker

Name and position	The Hon Sussan Ley MP Minister for the Environment
Signature	
Date of decision	1 August 2019

Conditions of approval

This approval is subject to the conditions under the EPBC Act as set out in ANNEXURE A.



ANNEXURE A - CONDITIONS OF APPROVAL

Part A - Conditions specific to the action

1. The approval holder must not cause **impacts** to more than:
 - a. 44.1 ha of **Striped Legless Lizard** habitat
 - b. 44.1 ha of **Golden Sun Moth** habitat
 - c. 28.74 ha of **NTGVVP**
 - d. 0.82 ha of **SHWTLP**within the **project site**.
2. During **construction** and **operation** of the action, the approval holder must avoid all **impacts** to **GEWVVP, Spiny Rice-flower, Trailing Hop-bush** and **habitat** for **Growling Grass Frog, Plains-wanderer** and **Yarra Pygmy Perch** within the **project site**.
3. Prior to the **commencement of the action**, baseline surveys must be undertaken to identify the extent, presence, and quality of **protected matters** (and their **habitat**) throughout the **proposed final layout**. Surveys must be conducted by **suitably qualified persons** in accordance with the most recently published version of the **Department's survey guidelines**.
4. Prior to the **commencement of the action**, the approval holder must **publish** a detailed **plan** (or **plans**) of the **final layout**, within the **proposed final layout**. The **plan(s)** must include the extent (in hectares) and mapping of **protected matters** or their **habitat** (identified under Condition 3). The **plan(s)** must remain **published** for the period this approval has effect.
5. The approval holder must prepare a Flora and Fauna Management Plan (FFMP). A draft FFMP must be made available for a **public review**. A summary of all comments received and how they have been addressed must be **published** with the final FFMP. The approval holder must not **commence the action** until the final FFMP has been **published**. The final FFMP must remain **published** for the period this approval has effect. The **published** FFMP must be implemented.

The FFMP must include, but not be limited to:

- i. baseline survey information as required by condition 3
- ii. spatial maps, description and quantification of the **impacts** to **protected matters** from taking the approved action as shown in the **plan(s)** required by condition 4. **Impacts** from both **construction** and **operation** must be addressed. The quantification of **impacts** must demonstrate that **residual impacts** to **protected matters** not specified in Condition 1 or Condition 2 will not be **significant**.
- iii. commitments to management measures and outcomes (including timeframes for achieving outcomes) to ensure the avoidance of **impacts** to **protected matters** and their **habitat** outside of the **final layout** identified in **plan(s)** required by condition 4, including performance criteria, triggers for corrective actions, and monitoring for timely detection of triggers. **Impacts** to be



addressed must include, but not be limited to: direct disturbance, sedimentation and erosion, and spread and distribution of disease caused by *Phytophthora cinnamomi* and **Chytrid Fungus**.

The FFMP must demonstrate how the **impacts** set out in condition 1 will not be exceeded.

6. The approval holder must submit for approval by the **Minister** an Offset Strategy to compensate for the **significant residual impacts** to **protected matters** identified in the FFMP. The approval holder must not **commence the action** until the Offset Strategy has been approved by the **Minister** in writing. The approved Offset Strategy must be implemented and **published**. The Offset Strategy must:
 - a. demonstrate whether **residual impacts** to **protected matters** described in the FFMP are **significant**
 - b. provide a written description and map that clearly defines the location and boundaries of the proposed offset area(s) for **protected matters** including, but not limited to: **Striped Legless Lizard habitat, Golden Sun Moth habitat, NTGVVP, and SHWTLP**
 - c. demonstrate the presence of relevant **protected matters** in the proposed offset area(s), and quantify the area and quality of **protected matters** and their **habitat**
 - d. commit to ecological outcomes and offset completion criteria for **protected matters** and the timeframes in which these will be achieved
 - e. demonstrate that the Offset Strategy meets the principles of the **EPBC Act Environmental Offsets Policy**
 - f. include timelines and mechanisms for **legally securing** the proposed offset area(s)
 - g. include **offset attributes** and **shapefiles** that clearly define the location and boundaries of the proposed offset area(s)
 - h. include time bound performance and completion criteria for evaluating that ecological outcomes have been achieved and criteria for triggering remedial action
 - i. commit to a program to monitor and report on progress against the performance and completion criteria.

The approved Offset Strategy must remain **published** for the period this approval has effect.

7. Within 10 **business days** of the offset area(s) committed to in the approved Offset Strategy required under condition 6 being **legally secured**, the approval holder must provide the **Department** with written evidence demonstrating that the offset has been **legally secured** and, if different from those originally provided, **offset attributes** and **shapefiles** that clearly define the location and boundaries of the offset area(s).



Part B - Standard administrative conditions

Notification of date of commencement of the action

8. The approval holder must notify the **Department** in writing of the date of **commencement of the action** within 10 **business days** after the date of **commencement of the action**.
9. If the **commencement of the action** does not occur within 5 years from the date of this approval, then the approval holder must not **commence the action** without the prior written agreement of the **Minister**.

Management Plans

10. All management **plans** required under this approval should be prepared in line with the **Department's Environmental Management Plan Guidelines** and must include:
 - a. The environmental objectives, relevant **EPBC Act protected matters** and a reference to **EPBC Act** approval conditions to which the **plan** refers;
 - b. A table of commitments made in the **plan** to achieve the objectives, and a reference to where the commitments are detailed in the **plan**;
 - c. Reporting and review mechanisms, and documentation standards to demonstrate compliance with the **plan**;
 - d. An assessment of risks to achieving **plan** environmental objectives and risk management strategies that will be applied;
 - e. **Impact** avoidance, mitigation and/or repair measures, and their timing; and
 - f. A monitoring program, which must include where appropriate:
 - i. measurable performance indicators;
 - ii. the timing and frequency of monitoring to detect changes in the performance indicators;
 - iii. trigger values for corrective actions;
 - iv. proposed corrective actions, if trigger values are reached; and
 - v. a schedule for when any **monitoring data** will be submitted to the **Department**.

Compliance records

11. The approval holder must maintain accurate and complete **compliance records**.
12. If the **Department** makes a request in writing, the approval holder must provide electronic copies of **compliance records** to the **Department** within the timeframe specified in the request.

Note: **Compliance records** may be subject to audit by the **Department** or an independent auditor in accordance with section 458 of the **EPBC Act**, and or used to verify compliance with the conditions. Summaries of the result of an audit may be published on the **Department's** website or through the general media.



Preparation and publication of plans

13. The approval holder must:

- a. **publish each plan on the website;**
- b. **notify the Department by email that plans have been published on the website within five business days of the date of publication;**
- c. **exclude or redact sensitive ecological data from plans published on the website or provided to a member of the public; and**
- d. **keep plans published on the website until the end date of the project.**

14. The approval holder must ensure that any **monitoring data** (including **sensitive ecological data**), surveys, maps, and other spatial and metadata required under a **plan** is prepared in accordance with the **Department's Guidelines for biological survey and mapped data (2018)** and submitted electronically to the **Department** in accordance with the requirements of the **plan**.

Annual compliance reporting

15. The approval holder must prepare a **compliance report** for each 12 month period following the date of **commencement of the action**, or as otherwise agreed to in writing by the **Minister**. The approval holder must:

- a. **publish each compliance report on the website within 60 business days following the relevant 12 month period;**
- b. **notify the Department by email that a compliance report has been published on the website within five business days of the date of publication;**
- c. **keep all compliance reports publicly available on the website until this approval expires;**
- d. **exclude or redact sensitive ecological data from compliance reports published on the website; and**
- e. **where any sensitive ecological data has been excluded from the version published, submit the full compliance report to the Department within 5 business days of publication.**

Note: **Compliance reports** may be published on the **Department's** website. The first **compliance report** may report a period less than 12 months so that it and subsequent **compliance reports** aligns with the similar requirement under state approval.

Reporting non-compliance

16. The approval holder must notify the **Department** in writing of any: **incident**; non-compliance with the conditions; or non-compliance with the commitments made in **plans**. The notification must be given as soon as practicable, and no later than two **business days** after becoming aware of the

incident or non-compliance. The notification must specify:

- a. the condition which is or may be in breach; and



- b. a short description of the **incident** and/or non-compliance.
17. The approval holder must provide to the **Department** the details of any **incident** or non-compliance with the conditions or commitments made in **plans** as soon as practicable and no later than 10 **business days** after becoming aware of the **incident** or non-compliance, specifying:
- a. any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future;
 - b. the potential **impacts** of the **incident** or non-compliance; and
 - c. the method and timing of any remedial action that will be undertaken by the approval holder.

Independent audit

18. The approval holder must ensure that **independent audits** of compliance with the conditions are conducted as requested in writing by the **Minister**.
19. For each **independent audit**, the approval holder must:
- a. provide the name and qualifications of the independent auditor and the draft audit criteria to the **Department**;
 - b. only commence the **independent audit** once the audit criteria have been approved in writing by the **Department**; and
 - c. submit an audit report to the **Department** within the timeframe specified in the approved audit criteria.
20. The approval holder must **publish** the audit report on the **website** within 10 **business days** of receiving the **Department's** approval of the audit report and keep the audit report **published** on the **website** until the end date of this approval.

Revision of action management plans

21. The approval holder may, at any time, apply to the **Minister** for a variation to an action management plan required under these conditions or as subsequently revised in accordance with these conditions, by submitting an application in accordance with the requirements of section 143A of the **EPBC Act**. If the **Minister** approves a revised action management plan (RAMP) then, from the date specified, the approval holder must implement the RAMP in place of the previous action management plan.
22. The approval holder may choose to revise an action management plan under these conditions or as subsequently revised in accordance with these conditions, without submitting it for approval under section 143A of the **EPBC Act**, if the taking of the action in accordance with the RAMP would not be likely to have a **new or increased impact**.
23. If the approval holder makes the choice under condition 22 to revise an action management plan without submitting it for approval, the approval holder must:
- a. notify the **Department** in writing that the approved action management plan has been revised



and provide the **Department** with:

- i. an electronic copy of the RAMP;
 - ii. an electronic copy of the RAMP marked up with track changes to show the differences between the approved action management plan and the RAMP;
 - iii. an explanation of the differences between the approved action management plan and the RAMP;
 - iv. the reasons the approval holder considers that taking the action in accordance with the RAMP would not be likely to have a **new or increased impact**; and
 - v. written notice of the date on which the approval holder will implement the RAMP (RAMP implementation date), being at least 20 **business days** after the date of providing notice of the revision of the action management plan, or a date agreed to in writing with the **Department**.
- b. subject to condition 25, implement the RAMP from the RAMP implementation date
 - c. **publish** the revised RAMP on the **website**.
24. The approval holder may revoke its choice to implement a RAMP under condition 22 at any time by giving written notice to the **Department**. If the approval holder revokes the choice under condition 22, the approval holder must implement the previous **published** final action management plan.
25. If the **Minister** gives a notice to the approval holder that the **Minister** is satisfied that the taking of the action in accordance with the RAMP would be likely to have a **new or increased impact**, then:
- a. condition 22 does not apply, or ceases to apply, in relation to the RAMP; and
 - b. the approval holder must implement the action management **plan** specified by the **Minister** in the notice.
26. At the time of giving the notice under condition 25, the **Minister** may also notify that for a specified period of time, condition 22 does not apply for one or more specified action management plans.

Note: conditions 22, 23, 24 and 25 are not intended to limit the operation of section 143A of the **EPBC Act** which allows the approval holder to submit a revised action management plan, at any time, to the **Minister** for approval.

Completion of the action

27. Within 30 days after the **completion of construction** and **completion of the action**, the approval holder must notify the **Department** in writing and provide **completion data**.



Part C - Definitions

In these conditions, except where contrary intention is expressed, the following definitions are used:

Business days means a day that is not a Saturday, a Sunday or a public holiday in the state or territory of the action.

Chytrid Fungus means the fungus species *Batrachochytrium dendrobatidis* responsible for the infectious disease chytridiomycosis, as defined in the *Threat abatement plan for infection of amphibians with chytrid fungus resulting in chytridiomycosis* (2016).

Commencement of the action (also **commence the action**) means the first instance of any specified activity associated with the action including clearance of vegetation and **construction** of any infrastructure. Commencement does not include minor physical disturbance necessary to:

- i. undertake surveys or monitoring programs including use of existing surface access tracks;
- ii. install signage and /or temporary fencing to prevent unapproved use of the **project site**;
- iii. protect environmental and property assets from fire, weeds and pests, including installing of fencing, and maintenance of existing surface access tracks, if agreed in writing by the **Department**; and
- iv. manage traffic.

Completion data means an environmental report and spatial data information clearly detailing how the conditions of this approval have been met, including information detailing the date, location, approved **project site**, and actual **impacted** area, total area of **protected matters** and their **habitat impacted**. The **Department's** preferred spatial data format is **shapefile**.

Completion of the action means the time at which all approved conditions have been fully met.

Completion of construction means the time at which all **construction** works are completed and the Project commences **operation**.

Compliance records means all documentation or other material in whatever form required to demonstrate compliance with the conditions of approval in the approval holder's possession or that are within the approval holder's power to obtain lawful;

Compliance reports means written reports:

- c. providing accurate and complete details of compliance, **incidents**, and non-compliance with the conditions and the **plan(s)**;
- ii. consistent with the **Department's Annual Compliance Report Guidelines** (2014);
- iii. include a **shapefile** of any clearance of any **protected matters**, or their **habitat**, undertaken within the relevant 12 month period; and
- iv. annexing a schedule of all **plans** prepared and in existence in relation to the conditions during the relevant 12 month period.

Construction means the erection of a building or structure that is or is to be fixed to the ground and wholly



or partially fabricated on-site; the alteration, maintenance, repair or demolition of any building or structure; preliminary site preparation work which involves breaking of the ground (including pile driving); the laying of pipes and other prefabricated materials in the ground, and any associated excavation work; but excluding the installation of fences and signage.

Department means the Australian Government agency responsible for administering the **EPBC Act**.

Department's Environmental Management Plan Guidelines means the *Environment Management Plan Guidelines*, Department of the Environment 2014 found at <http://www.environment.gov.au/epbc/publications/environmental-management-plan-guidelines>, or subsequent revision.

Department's survey guidelines means the relevant Survey Guidelines for Australia's threatened Birds, Threatened Frogs, Threatened Fish, Threatened Mammals, Threatened Reptiles and Threatened Bats as published at <http://www.environment.gov.au/epbc/policy-statements>, immediately prior to the undertaking of the relevant survey.

EPBC Act means the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

EPBC Act Environmental Offsets Policy means the *EPBC Act environmental offsets policy*, Department of Sustainability, Environment, Water, Population and Communities 2012 found at <http://www.environment.gov.au/epbc/publications/epbc-act-environmental-offsets-policy>, or subsequent revision.

Final layout means the total disturbance footprint associated with the final location of all project activities and infrastructure.

GEWVVP means the **EPBC Act** listed threatened ecological community Grassy Eucalypt Woodlands of the Victorian Volcanic Plains.

Golden Sun Moth means the **EPBC Act** listed threatened species *Synemon plana*.

Growling Grass Frog mean the **EPBC Act** listed threatened species *Litoria raniformis*.

Habitat means the natural environment in which the relevant **protected matter** has been identified to occur at the **project site** or is suitable for the **protected matter** to occur in at the **project site**, based upon field surveys and guidance contained in the relevant species or ecological communities' *listing advice*, *conservation advice*, *national recovery plan* or *SPRAT profile*.

Incident means any event which has the potential to, or does, **impact** on **protected matters**.

Independent audit means an audit conducted by an independent and **suitably qualified persons** as detailed in the *Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines* (2015).

Impact/s/ed means any measurable direct or indirect disturbance/change that occurs as a result of any activity associated with the action.

Legally securing means to secure a legal agreement under relevant Victorian legislation, in relation to a



site, to provide enduring protection for the site against development incompatible with protection of the protected matters.

Monitoring data means the data required to be recorded under the conditions of this approval.

Minister means the Australian Government Minister administering the **EPBC Act** including any delegate thereof.

New or increased impact means a new or increased environmental **impact** or risk relating to any **protected matters**, when compared to the likely **impact** of implementing the action management plan that has been **published** under condition 5 including any subsequent revisions approved by the **Minister**, as outlined in the *Guidance on 'New or Increased Impact' relating to changes to approved management plans under EPBC Act environmental approvals (2017)*.

NTGVVP means the **EPBC Act** listed threatened ecological community Natural Temperate Grasslands of the Victorian Volcanic Plain.

Offset attributes means an '.xls' file capturing relevant attributes of the offset site, including the EPBC reference ID number, the physical address of the offset site, coordinates of the boundary points in decimal degrees, the **EPBC Act protected matters** that the offset compensates for, and any additional **EPBC Act protected matters** that the offset compensates for, and any additional **EPBC Act protected matters** that are benefiting from the offset, and the size of the offset in hectares.

Operation means all activities after the components of the wind turbines are installed.

Phytophthora cinnamomi means the root rot pathogen responsible for the disease *Phytophthora* dieback, as defined in the *Threat abatement plan for disease in natural ecosystems caused by Phytophthora cinnamomi (2018)*.

Plan(s) means any of the documents required to be prepared, approved by the **Minister**, and/or implemented by the approval holder and **published** on the **website** in accordance with these conditions (includes action management plans and/or strategies).

Plains-wanderer means the **EPBC Act** listed threatened species *Pedionomus torquatus*.

Project site means the area shown in Attachment A that is shaded in green.

Proposed final layout means the area within the **project site** encompassing the proposed possible and final location of, all project activities and infrastructure, as proposed at the date of this approval notice including a 20 meter wide buffer.

Protected matters means the following listed threatened species and ecological communities protected under a controlling provision in Part 3 of the **EPBC Act**:

- Button Wrinklewort (*Rutidosis leptorhynchoides*)
- Clover Glycine (*Glycine latrobeana*)
- Fragrant Leek-orchid (*Prasophyllum suaveolens*)
- Golden Sun Moth (*Synemon plana*)
- Grassy Eucalypt Woodland of the Victorian Volcanic Plain



- Growling Grass Frog (*Litoria raniformis*)
- Large-headed Fireweed (*Senecio macrocarpus*)
- Natural Temperate Grassland of the Victorian Volcanic Plain
- Plains-wanderer (*Pedionomus torquatus*)
- River Swamp Wallaby-grass (*Amphibromus fluitans*)
- Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains
- Small Golden Moths (*Diuris basaltica*)
- Spiny Rice-flower (*Pimelea spinescens* subsp. *spinescens*)
- Striped Legless Lizard (*Delma impar*)
- Swamp Everlasting (*Xerochrysum palustre*)
- Swamp Fireweed (*Senecio psilocarpus*)
- Swift Parrot (*Lathamus discolor*)
- Trailing Hop-bush (*Dodonaea procumbens*)
- White Sunray (*Leucochrysum albicans* var. *tricolor*)
- Yarra Pygmy Perch (*Nannoperca obscura*)

Public review means:

- (a) **publishing** a notice at an appropriate location on the internet and in a national or State daily newspaper that circulates in Victoria; and
- (b) giving two copies of the FFMP to at least 1 local authority, and at least 1 local or regional library, for the area where the action is to be taken; and giving two copies of the FFMP to the Victorian Department of Environment, Land, Water and Planning, and a Victorian State library; and
- (c) asking each of the FFMP recipients in writing to display the FFMP in a manner that enables members of the public to examine it.

The notice **published** in accordance with (a) above must:

- (i) state the identification number for the action, allocated by the **Department**, the descriptive title for the action, the location of the action, the name of the person intending to take the action, the controlling provisions applicable to the controlled action decision, and where a copy of the FFMP may be obtained in electronic and hard copy form and at reasonable cost or without charge; and
- (ii) describe how a person who is illiterate, for whom English is a second language, or has a visual impairment, can obtain reasonable access to the FFMP; and
- (iii) invite public comment on the FFMP for a minimum period of 10 **business days** and state the start and final date that public comments can be submitted.

Publish/ed/ing means make publicly available on the **website** for the period this approval has effect.

Residual impact/s means the **impacts** of the action that remain after avoidance and mitigation measures are taken.

Sensitive ecological data means data as defined in the Australian Government Department of the



Environment (2016) *Sensitive Ecological Data - Access and Management Policy V1.0*.

Shapefile/s means an ESRI Shapefile containing '.shp', '.shx' and '.dbf' files and other files capturing attributes including the shape, the **EPBC Act** reference ID number and **protected matters** present at the relevant site. Shapefile files must also include either a '.prj' file or specification of the projection/geographic coordinate system used.

SHWTLP means the **EPBC Act** listed threatened ecological community Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains.

Significant means, in the context of **impacts**, an impact which is important, notable, or of consequence, having regard to its context or intensity. Significant impact criteria are set out in the published "*Matters of National Environmental Significance Significant Impact Guidelines 1.1*"

Spiny Rice-flower means the **EPBC Act** listed threatened species *Pimelea spinescens* subsp. *spinescens*.

Striped Legless Lizard means the **EPBC Act** listed threatened species *Delma impar*.

Suitably qualified persons means a person who has professional qualifications, training, skills and/or considerable experience related to the nominated subject matter. If undertaking surveys to determine the presence and distribution of listed matters, the person must have proven experience in detecting these listed matters. If assessing **habitat** quality, the person must have demonstrated experience in applying the required methodology for that **habitat**. If preparing or reviewing a plan, the person must be able to give authoritative independent assessment, advice and analysis on performance relative to the subject matter using the relevant protocols, standards, methods and/or literature.

Trailing Hop-bush means the **EPBC Act** listed threatened species *Dodonaea procumbens*.

Website means a set of related web pages located under a single domain name attributed to the approval holder and available to the public.

Yarra Pygmy Perch means the **EPBC Act** listed threatened species *Nannoperca obscura*.



ATTACHMENTS

Attachment A - Project Site (as shaded in green)

