



Approval

Mount Emerald Wind Farm Proposal, Queensland (EPBC 2011/6228)

This decision is made under sections 130(1) and 133 of the *Environment Protection and Biodiversity Conservation Act 1999*.

Proposed action

person to whom the approval is granted RATCH – Australia Corporation Limited

proponent's ACN 106 617 332

proposed action To develop a wind farm within the Springmount Station, on the Atherton Tablelands, in North Queensland [See EPBC Act referral 2011/6228].

Approval decision

Controlling Provision	Decision
World Heritage properties (sections 12 & 15A)	Approved
National Heritage places (sections 15B & 15C)	Approved
Listed threatened species and communities (sections 18 & 18A)	Approved
Listed migratory species (sections 20 & 20A)	Approved

conditions of approval This approval is subject to the conditions specified below.

expiry date of approval This approval has effect until 31 July 2045

Decision-maker

name and position Deb Callister
Assistant Secretary
Assessments and Policy Implementation Branch

signature

date of decision 26 November 2015

Conditions of approval

General

1. The action is limited to the construction of a maximum of 63 wind turbines and associated infrastructure on the **wind farm site**.
2. To minimise impacts to **EPBC Act listed threatened species**, the **approval holder** must not disturb more than 58 ha of habitat for **EPBC Act listed threatened species** on the **wind farm site**.
3. Prior to **commencement** of the action, the **approval holder** must submit a Turbine Location and Development Footprint Plan identifying the final position of all proposed turbines, access roads and associated operational and maintenance infrastructure, for the written approval of the **Minister**.

Note: The **approval holder** may undertake **micro-siting** of turbines.

4. The Turbine Location and Development Footprint Plan must demonstrate how the **approval holder** has avoided and minimised disturbance to **denning habitat** for the Northern Quoll (*Dasyurus hallucatus*) and to *Grevillea glossadenia* and *Homoranthus porteri*.
5. The **approval holder** must not **commence** the action until the Turbine Location and Development Footprint Plan has been approved by the **Minister** in writing.
6. The Turbine Location and Development Footprint Plan must be implemented.

Northern Quoll Management

7. For the protection of the Northern Quoll, the **approval holder** must maintain a **viable population** of Northern Quoll on the **wind farm site**.
8. The **approval holder** must prepare and submit an Outcomes Strategy for the **Minister's** written approval which describes a monitoring program to inform adaptive management and determine whether the outcome required under condition 7 is being or has been met. The Outcomes Strategy must:
 - (a) be prepared by a **suitably qualified expert**;
 - (b) identify and justify performance measures, which are capable of accurate and reliable measurement, and will be used to measure the outcome required under condition 7;
 - (c) include a monitoring program, to detect changes in the performance measures. The monitoring must include baseline surveys, **control sites** and experimental design (to test the effectiveness of different management measures); and
 - (d) describe how the baseline and monitoring data will be adequate to: inform adaptive management; enable an objective decision to be made on whether the outcome described in condition 7 has been met.
9. The **approval holder** must not commence **construction** until the **Minister** has approved the Outcomes Strategy in writing.
10. The approved Outcomes Strategy must be implemented.
11. If the **Minister** is not satisfied that either the outcomes required under condition 7 are likely to be achieved, or there is insufficient evidence that the outcomes required under

condition 7 are being achieved, the **Minister** may (in writing) require the **approval holder** to submit a plan for the **Minister's** approval to reduce, mitigate, remediate, or offset impacts to matters protected under the controlling provisions of this approval within a designated timeframe. The **Minister** may require the plan be prepared or reviewed by a **suitably qualified person** or another person specified or agreed to by the **Minister**. If the **Minister** approves the plan then the approved plan must be implemented.

Bare-rumped Sheathtail Bat and Spectacled Flying-fox management

12. Prior to **commissioning**, the **approval holder** must evaluate the effectiveness of suitable measures, including changed **cut-in speed**, **avian radar system** and **SCADA system**, to avoid and mitigate the impacts of turbine collision to Spectacled Flying-fox (*Pteropus conspicillatus*) and Bare-rumped Sheathtail Bat (*Saccolaimus saccolaimus nudicluniatus*) on the **wind farm site**.
13. Prior to **commissioning**, the **approval holder** must submit to the **Minister** for written approval, a Wind Farm Implementation Plan that is informed by the results of the evaluation required by condition 12. The Wind Farm Implementation Plan must include:
 - (a) details of intended outcomes and measurable performance criteria which are based on the outcomes of **population viability analysis** and **numerical collision risk modelling** for the Spectacled Flying-fox and Bare-rumped Sheathtail Bat;
 - (b) a program to monitor the effectiveness of progress against performance criteria; and
 - (c) contingency measures and corrective actions that will be implemented if performance criteria are not being or are not likely to be met.
14. The Wind Farm Implementation Plan must be reviewed by a **suitably qualified expert** prior to submission to the **Minister** for approval. The Wind Farm Implementation Plan must include the findings of the review undertaken by the **suitably qualified expert** and details of how any recommendations made by the **suitably qualified expert** have been addressed.
15. The **approval holder** must not **commission** the wind farm until the Wind Farm Implementation Plan has been approved by the **Minister** in writing.
16. The approved Wind Farm Implementation Plan must be implemented.
17. Upon the direction of the **Minister**, the **approval holder** must cease to operate any specified wind turbine generator/s if the **Minister** considers that, based on compliance reporting required by condition 26, they are having an impact on Bare-rumped Sheathtail Bat and Spectacled Flying-fox greater than the performance criteria required by condition 13(a) that cannot be mitigated or compensated.

Offsets

18. To compensate for residual significant impacts to **EPBC Act listed threatened species**, the **approval holder** must provide environmental offsets that comply with the principles of the **EPBC Act Environmental Offsets Policy**.
19. The **approval holder** must prepare and submit an Offset Management Plan to the **Minister** for approval in writing. The Offset Management Plan must include:
 - (a) details of the minimum offset areas proposed to compensate for the loss of habitat for **EPBC Act listed threatened species** from the **wind farm site**,

- (b) information about how the offset area/s provide connectivity with other relevant habitats and biodiversity corridors, including a map depicting the offset areas in relation to other habitats and biodiversity corridors;
 - (c) a description of the management measures that will be implemented on the offset site for the protection and management of habitat for **EPBC Act listed threatened species**, including a discussion of how measures proposed are consistent with the measures in **conservation advice, recovery plans** and relevant **threat abatement plans**;
 - (d) performance and completion criteria for evaluating the management of the offset area/s, and criteria for triggering remedial action (if necessary);
 - (e) a program, including timelines to monitor and report on the effectiveness of these measures, and progress against the performance and completion criteria;
 - (f) a description of potential risks to the successful implementation of the plan, and a description of the contingency measures that would be implemented to mitigate against these risks;
 - (g) the proposed legal mechanism and timelines for securing the offset/s; and
 - (h) a textual description and map to clearly define the location and boundaries of the offset area. This must be accompanied with the **offset attributes** and a **shapefile**.
20. The **approval holder** must not commence **construction** until the Offset Management Plan has been approved by the **Minister** in writing.
21. The approved Offset Management Plan must be implemented.

Administrative conditions

22. To avoid duplication, the **approval holder** may provide the **Minister** with plans and strategies prepared for the State and/or an Authority provided the plans, and/or strategies meets the conditions specified in this approval. The plans and/or strategies must include a cross reference table that clearly identifies:
- (a) the condition specified in the approval for which the plan or strategy is being provided; and
 - (b) the relevant folder, chapter, section number and page number in the plan or strategy where the condition has been addressed.
23. Within 10 business days after the **commencement** of the action, the **approval holder** must advise the **Department** in writing of the actual date of **commencement**.
24. The **approval holder** must maintain a dedicated webpage on compliance with these conditions that is publically available on the **approval holder's** website for the life of the approval. The webpage must include: a copy of the approval conditions (and any subsequent variations or other formal changes to the approval); all monitoring results and documentation required under these conditions and any other relevant information as directed by the Minister in writing. Unless otherwise agreed to in writing by the **Minister**, the **approval holder** must provide a copy of documents required to be published on the dedicated webpage to members of the public upon request, within a reasonable time of the request.

25. The **approval holder** must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement any plans and strategies required by this approval and measures taken to achieve the outcomes specified in conditions 7 and 13 and make them available upon request to the **Department**. Such records may be subject to audit by the **Department** or an independent auditor in accordance with section 458 of the EPBC Act, or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the **Department's** website. The results of audits may also be publicised through the general media.
26. Within three months of every 12 month anniversary of the commencement of the action, the **approval holder** must publish a report on the webpage required in condition 24 addressing compliance with each of the conditions of this approval, including implementation of any plans and strategies as specified in these conditions and whether the outcome required by conditions 7 and 13 have been or are track to being met. The compliance report must consider the **Department's Annual Compliance Report Guidelines**. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the **Department** at the same time as the compliance report is published.
27. The **approval holder** must report any contravention of the conditions of this approval to the **Department** within 2 business days of the **approval holder** becoming aware of the contravention.
28. Upon the direction of the **Minister**, the **approval holder** must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the **Minister**. The audit must not commence until the **Minister** has approved the independent auditor and audit criteria. The audit report must address the criteria to the satisfaction of the **Minister**.
29. The **approval holder** may choose to revise a plan or strategy approved by the **Minister** under conditions 3, 8, 13 and 19 without submitting it for approval under section 143A of the EPBC Act, if the taking of the action in accordance with the revised plan or strategy would not be likely to have a **new or increased impact**. If the **approval holder** makes this choice they must:
- (a) notify the **Department** in writing that the approved plan or strategy has been revised and provide the **Department** with an electronic copy of the revised plan or strategy;
 - (b) implement the revised plan or strategy from the date that the plan or strategy is submitted to the **Department**; and
 - (c) for the life of this approval, maintain a record of the reasons the **approval holder** considers that taking the action in accordance with the revised plan or strategy would not be likely to have a **new or increased impact**.
30. The **approval holder** may revoke its choice under condition 29 at any time by notice to the **Department**. If the **approval holder** revokes the choice to implement a revised plan without approval under section 143A of the Act, the **approval holder** must implement the version of the plan most recently approved by the **Minister**.
31. Condition 29 does not apply if the revisions to the approved plan or strategy include changes to environmental offsets provided under the plan or strategy in relation to a matter protected by a controlling provision for the action, unless otherwise agreed in writing by the **Minister**. This does not otherwise limit the circumstances in which the taking of the action in

accordance with a revised plan or strategy would, or would not, be likely to have **new or increased impacts**.

32. 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 revised plan would be likely to have a new or increased **impact**, then:
- (a) condition 29 does not apply, or ceases to apply, in relation to the revised plan; and
 - (b) the **approval holder** must implement the version of the plan most recently approved by the **Minister**.
- To avoid any doubt, this condition does not affect any operation of conditions 29 and 30 in the period before the day after the notice is given.
33. At the time of giving a notice under condition 32, the **Minister** may also notify that for a specified period of time condition 29 does not apply for one or more specified plans required under the approval.
34. Conditions 29, 30, 31 and 32 are not intended to limit the operation of section 143A of the EPBC Act which allows the **approval holder** to submit a revised plan to the **Minister** for approval.
35. If, at any time after five years from the date of this approval, the **approval holder** has not substantially commenced the action, then the **approval holder** must not **commence** the action without the written agreement of the **Minister**.

Definitions

Approval holder means the person to whom the approval is granted, or any person acting on their behalf, or to whom the approval is transferred under section 145B of the EPBC Act.

Avian radar system means a radar system available for conducting bird and bat surveys, research, mortality risk analysis, habitat and migratory studies, and for long-term and operational monitoring and mitigation of risks.

Commence/commenced means the first instance of any specified activity. Unless the activity is specifically defined for the purposes of these conditions, commencement of an activity includes any physical disturbance including clearing of vegetation, earthworks, new road works.

Commence/commenced does not include:

- (a) erection of signage;
- (b) minor physical disturbance necessary to undertake pre-clearance surveys or establish monitoring programs or associated with the mobilisation of the plant, equipment, materials, machinery and personnel prior to the start of road development or construction;
- (c) weed and fire management activities if such activities will have no adverse impact on MNES; or
- (d) activities that are critical to commencement that are associated with mobilisation of plant and equipment, materials, machinery and personnel prior to the start of road development or construction only if such activities will have no adverse impact on

MNES.

Commission/ing means the date the wind farm commences the generation of electricity.

Construction means any preparatory works required to be undertaken including clearing of vegetation, the erection of any onsite temporary structures and the use of heavy duty equipment for the purpose of breaking the ground.

Control sites means sites to be monitored concurrently with project sites or offset sites, to provide evidence of the relative impacts or improvements as a result of the approved action.

Cut-in speed is the minimum wind speed at which the wind turbine will generate usable power.

Denning habitat means boulder piles, rock outcrops with open fracturing, creek lines and hollows of trees.

Department means the Australian Government Department administering the *Environment Protection and Biodiversity Conservation Act 1999*.

EPBC Act Environmental Offsets Policy means the Australian Government policy document titled: *EPBC Act environmental offsets policy Department of the Environment, 2013 Policy guiding the use of offsets under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*.

EPBC Act listed threatened species means Northern Quoll (*Dasyurus hallucatus*), Bare-rumped Sheathail Bat (*Saccolaimus saccolaimus nudicluniatus*), Spectacled Flying-fox (*Pteropus conspicillatus*), *Grevillea glossadenia*, *Homoranthus porteri*.

micro-siting means an alteration to the siting of a turbine pad by not more than 100 metres beyond the siting of turbines detailed in the approved Turbine Location and Development Footprint Plan required in these conditions.

Minister means the Australian Government Minister administering the *Environment Protection and Biodiversity Conservation Act 1999* and includes a delegate of the Minister.

New or increased impact means a new or increased impact on any matter protected by the controlling provisions for the action, when compared to the plan or strategy that has been approved by the Minister.

Numerical collision risk modelling means the mathematical modelling process to provide projections of potential numbers of collisions for the number and specific dimension of turbines proposed at the **wind farm site**.

Offset attributes mean an '.xls' file capturing relevant attributes of the Offset Area, including the EPBC Act 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, any additional EPBC Act protected matters that are benefiting from the offset, and the size of the offset in hectares.

Population viability analysis means the species-specific process of identifying the threats faced by a species and evaluating the likelihood that it will persist for a given time into the future.

Recovery plan: means a recovery plan made or adopted by the Minister under the EPBC Act.

SCADA system means supervisory control and data acquisition enabling the monitoring and control of remote operations and turbines in real-time.

Shapefile means an ESRI Shapefile containing '.shp', '.shx' and '.dbf' files and other files capturing attributes of the Offset Area, including the shape, EPBC reference ID number and EPBC protected matters present at the relevant site. Attributes should also be captured in '.xls' format.

Suitably qualified expert means a person who has professional qualifications, training, skills and/or experience related to the nominated subject matter and can give authoritative assessment, advice and analysis on performance relative to the subject matter using the relevant protocols, standards, methods and/or literature.

Threat abatement plan means a threat abatement plan made or adopted by the **Minister** under the EPBC Act.

Viable population means baseline data provided for the **wind farm site** of density estimates of 1.09 (allowable range 0.7 to 2.24) quolls/100ha in flat or near flat suitable habitat and of 2.25 (allowable range 1.45 to 4.63) quolls/100ha in moderately to extremely rugged, suitable habitat, as described in *Mount Emerald Wind Farm, Herberton Range North Queensland Environmental Impact Statement Volume 3*.

Wind farm site means Lot 7 SP235224, Easements A, C & E in Lots 1, 2 & 3 on SP231871 and part of Lot 905. Coordinates are detailed in Table 2.1 of the *Mount Emerald Wind Farm, Herberton Range North Queensland Environmental Impact Statement Volume 1*.