



Mr Peter Marriott  
Generation Project Development Manager  
Stockyard Hill Wind Farm Pty Ltd  
Level 12, 321 Exhibition St  
MELBOURNE VIC 3000

Dear Mr Marriott

**Decision on approval  
Stockyard Hill Wind Farm – Wind Energy Facility and associated infrastructure, south-west Victoria (EPBC 2016/7746)**

I am writing to you in relation to your proposal to develop and operate the Stockyard Hill Wind Farm and associated infrastructure in south-west Victoria.

I have considered the proposal in accordance with Part 9 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and have decided to grant approval to Stockyard Hill Wind Farm Pty Ltd. The details of my decision are attached. The proposal must be undertaken in accordance with the conditions specified in the approval.

I would appreciate your assistance by informing me when you provide the information specified in the conditions and who will be the contact person responsible for the administration of the approval decision.

Please note, any plans required as conditions of approval will be regarded as public documents unless you provide sufficient justification to warrant commercial-in-confidence status.

You should also note that this EPBC Act approval does not affect obligations to comply with any other laws of the Commonwealth or state that are applicable to the action. Neither does this approval confer any right, title or interest that may be required to access land or waters to take the action.

The Department has an active audit program for proposals that have been referred or approved under the EPBC Act. The audit program aims to ensure that proposals are implemented as planned and that there is a high degree of compliance with any associated conditions. Please note that your project may be selected for audit by the Department at any time and all related records and documents may be subject to scrutiny. Information about the Department's compliance monitoring and auditing program is enclosed.

If you have any questions about this decision, please contact the project manager, Felicity Grabkowski as follows, and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely

James Barker  
Assistant Secretary  
Assessments and Governance Branch  
/ 8 August 2017



## Approval

### Stockyard Hill Wind Farm – Wind Energy Facility and associated infrastructure, south-west Victoria (EPBC 2016/7746)

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

#### Proposed action

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**person to whom the approval is granted** Stockyard Hill Wind Farm Pty Ltd

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**proponent's ABN** 71 118 119 501

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**proposed action** To develop and operate the Stockyard Hill Wind Farm and associated infrastructure in south-west Victoria, approximately 150 km west, northwest of Melbourne and approximately 35 km west of Ballarat [see EPBC 2016/7746].

#### Approval decision

Controlling Provision	Decision
Listed threatened species and communities (sections 18 & 18A)	Approved

#### conditions of approval

This approval is subject to the conditions specified below.

#### expiry date of approval

This approval has effect until 31 July 2050.

#### Decision-maker

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**name and position** James Barker  
Assistant Secretary  
Assessments and Governance Branch

#### signature

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**date of decision** 18 August 2017

## Conditions attached to the approval

1. The **approval holder** must not **clear** more than:
  - a. 42.16 ha of habitat for **striped legless lizard**; and
  - b. 1.57 ha of habitat for **golden sun moth**,

Without the prior written approval of the **Minister**.

2. To compensate for the loss of 42.16 ha of **striped legless lizard** habitat, the **approval holder** must:
  - a. secure the **striped legless lizard offset** with a **covenant** before **commencement of construction**; and
  - b. implement the **Striped Legless Lizard Offset Management Strategy** for the secured **striped legless lizard offset**.
3. To compensate for the loss of 1.57 ha of **golden sun moth** habitat, the **approval holder** must:
  - a. secure the **golden sun moth offset** with a **covenant** prior to **commencement of construction**. The **golden sun moth offset** must contain at least 9 ha of known **golden sun moth** habitat (**Figure 2**); and
  - b. implement the **Golden Sun Moth Offset Management Strategy** for the secured **golden sun moth offset**.

## Administrative

4. Within 14 days after the **commencement of construction**, the **approval holder** must advise the **Department** in writing of the actual date of **commencement of construction**.
5. The **approval holder** must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the **strategy** required by this approval, 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.
6. Within three months of every 12 month anniversary of the **commencement of construction**, the **approval holder** must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any **strategies** as specified in the conditions. 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. Reports must remain published for the life of the approval. The **approval holder** must continue to publish reports until such time as advised in writing by the **Minister**.
7. The **approval holder** may choose to revise a **strategy** approved by the **Minister** under conditions 2 and 3 without submitting it for approval under section 143A of the **EPBC Act**, if the taking of the action in accordance with the revised **strategy** would not be likely to have a **new or increased impact**. If the **approval holder** makes this choice they must:

- i. notify the **Department** in writing that the approved **strategy** has been revised and provide the **Department** with an electronic copy of the revised **strategy**;
  - ii. implement the revised **strategy** from the date that the **strategy** is submitted to the **Department**; and
  - iii. 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 **strategy** would not be likely to have a **new or increased impact**.
8. The **approval holder** may revoke their choice under condition 7 at any time by notice to the **Department**. If the person taking the action revokes the choice to implement a revised **strategy**, without approval under section 143A of the Act, the **strategy** approved by the **Minister** must be implemented.
9. Condition 7 does not apply if the revisions to the approved **strategy** include changes to environmental offsets provided under the **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 **strategy** would, or would not, be likely to have **new or increased impacts**.
10. 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 **strategy** would be likely to have a **new or increased impact**, then:
- i. Condition 7 does not apply, or ceases to apply, in relation to the revised **strategy**;  
and
  - ii. The person taking the action must implement the **strategy** approved by the **Minister**.

To avoid any doubt, this condition does not affect any operation of conditions 7 and 8 in the period before the day the notice is given.

11. At the time of giving the notice the **Minister** may also notify that for a specified period of time that condition 7 does not apply for the **strategies** required under the approval.
12. Conditions 7 and 8 are not intended to limit the operation of section 143A of the EPBC Act which allows the person taking the action to submit a revised **strategy** to the **Minister** for approval.
13. If, at any time after 5 years from the date of this approval, the **approval holder** has not **commenced** the action, then the person taking the action must not **commence** the action without the written agreement of the **Minister**.
14. Unless otherwise agreed to in writing by the **Minister**, the **approval holder** must publish all **strategies** referred to in these conditions of approval on their website.
15. Unless otherwise agreed to in writing by the **Minister**, the **approval holder** must provide a copy of any **strategy** referred to in these conditions of approval to members of the public upon request, within a reasonable time of the request.

## Definitions

**Approval holder:** means the person to whom the approval is granted, or to whom the approval is transferred under section 145B of the **EPBC Act**.

**Commencement of construction:** the date that preparatory construction works are first undertaken, including but not limited to clearing of vegetation (the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning of native vegetation), the erection of any onsite temporary structures and the use of heavy duty equipment for the purpose of breaking the ground for fencing, infrastructure or earthworks associated with construction of the wind farm and associated infrastructure within the areas of identified habitat for the golden sun moth and striped legless lizard as shown on **Figure 3**. For the purposes of this approval, the carrying out of preliminary investigative works, including geotechnical investigations, for the purposes of gathering data or making other assessments necessary to confirm the final location of proposed infrastructure, is not considered to be commencement of construction.

**Covenant:** a long term conservation agreement on the land title/s, such as a section 69 agreement under the Victorian *Conservation, Forests and Lands Act 1987* or a Trust for Nature (Victoria) covenant.

**Clear:** the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning of native or non-native vegetation.

**Department:** The Australian Government Department or any other agency administering the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) from time to time.

**EPBC Act:** the *Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth).

**Golden sun moth:** *Synemon plana* listed under the Environment Protection and Biodiversity Conservation Act 1999.

**Golden Sun Moth Offset Management Strategy:** the approved document which outlines the management actions for the **offset** area for **golden sun moth** (*Golden Sun Moth Synemon plana* Offset Management Strategy for the Stockyard Hill Wind Farm April 2017).

**Golden sun moth offset:** means the area shown in yellow on the map at **Figure 2**, or other area approved by the Minister.

**Known striped legless lizard habitat:** relevant habitat as identified by a **suitably qualified expert** experienced in undertaking **targeted surveys** in accordance with the Department's survey guidelines.

**Minister:** The Minister administering the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) and includes a delegate of the Minister.

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

**Offset Policy:** *Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy, October 2012*.

**Offset Management Strategy:** the **Golden Sun Moth Offset Management Strategy** or **Striped Legless Lizard Offset Management Strategy**.

**Striped Legless Lizard Offset Management Strategy:** the approved document which outlines the management actions for the **offset** area for **striped legless lizard** (*Striped Legless Lizard Delma impar* Offset Management Strategy for the Stockyard Hill Wind Farm April 2017).

**Striped legless lizard offset** means either of the following, as further described in the preliminary documentation:

- the on-site offset (the Option 1 and Option 2 offset constituting at least 43 ha of **known striped legless lizard habitat** shown in blue hatching on the map at **Figure 1**) or other area approved by the Minister; or
- the off-site offset (the Option 3 offset at Cressy constituting 30 ha of **known striped legless lizard habitat**. A map of the off-site offset must be submitted to the **Department** if this offset is implemented).

**Strategy:** see **Offset Management Strategy**.

**Striped legless lizard:** *Delma impar* listed under the *Environment Protection and Biodiversity Conservation Act 1999*.

**Suitably qualified expert:** a person with qualifications in environmental science, biology or ecology and demonstrated experience in the management of native vegetation and the preparation of offset strategies under the **EPBC Act**, or a person otherwise agreed to in writing by the **Department**.

**Targeted surveys:** surveys undertaken in accordance with **Departmental** guidelines.

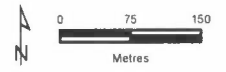




**Legend**

- Stockyard Hill Wind Farm boundary
  - Option 1 Offset Site (30ha)
  - Option 2 Offset Site (30ha)
  - Tile grid locations
- Striped Legless Lizard habitat characteristics**
- Rocky rises mixed with native and exotic species
  - Predominantly exotic grassland (future revegetation and management)
  - Remnant Native Vegetation

**Figure 1**  
**On-site Offset Options**  
 Striped Legless Lizard  
 Stockyard Hill Wind Farm



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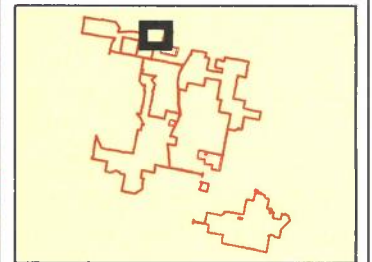




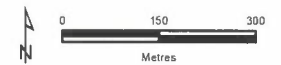


**Legend**

-  Stockyard Hill Wind Farm boundary
-  SHWF offset property
-  Confirmed Golden Sun Moth habitat
-  GSM covenant area (173ha)
-  GSM project Offset Area (9ha)
-  Amended WEF footprint

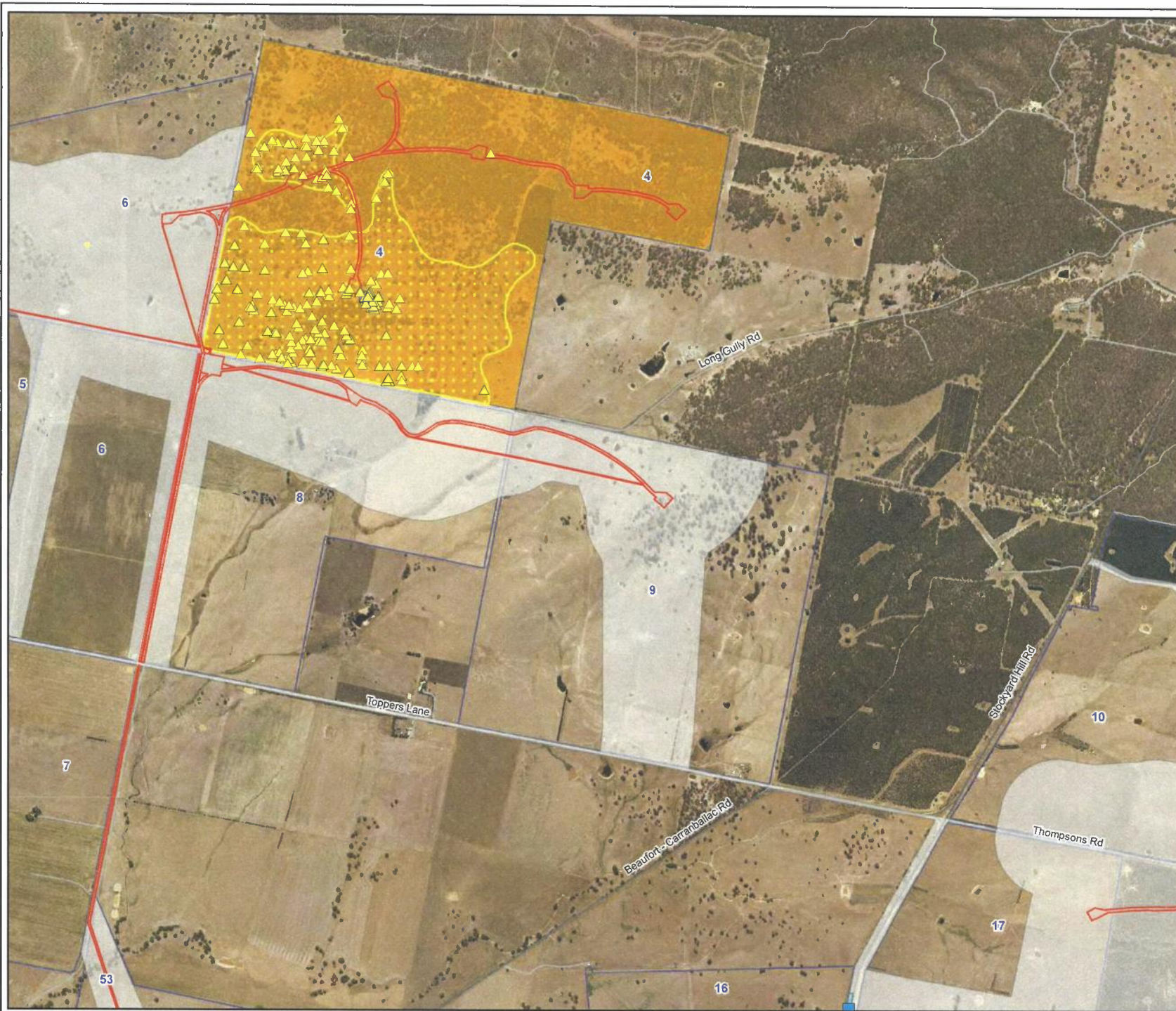


**Figure 2**  
**Areas of suitable Golden Sun Moth habitat**  
*Golden Sun Moth Offset Strategy, Stockyard Hill Wind Farm*

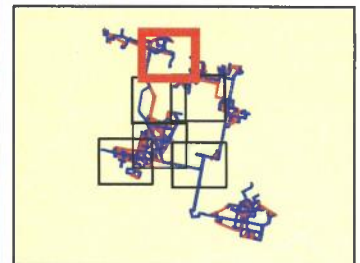


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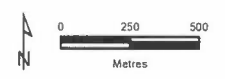




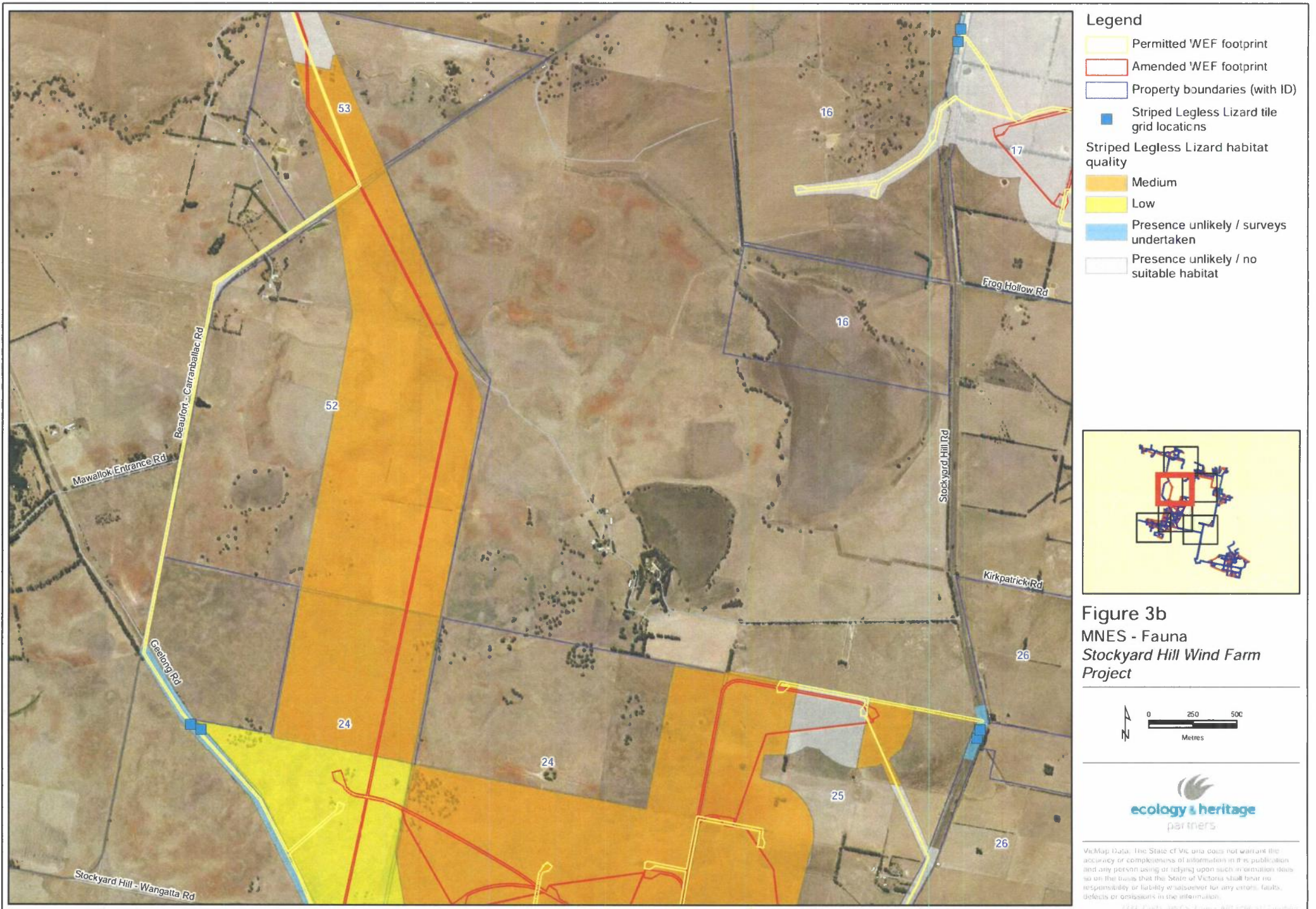
- Legend**
- Permitted WEF footprint
  - Amended WEF footprint
  - Property boundaries (with ID)
  - Golden Sun Moth records
  - Confirmed Golden Sun Moth habitat
  - Striped Legless Lizard tile grid locations
- Striped Legless Lizard habitat quality**
- Medium
  - Presence unlikely / surveys undertaken
  - Presence unlikely / no suitable habitat

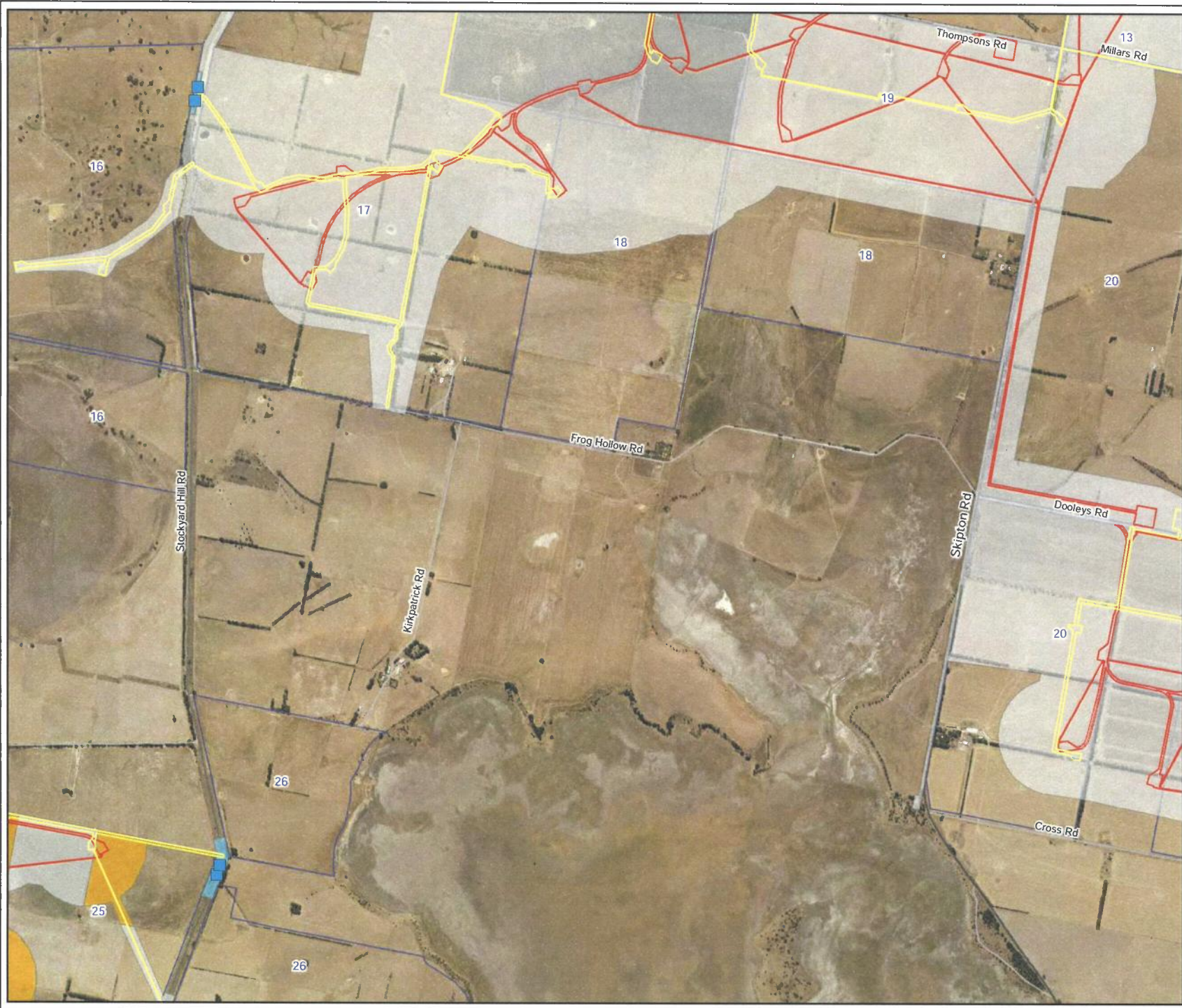


**Figure 3a**  
**MNES - Fauna**  
 Stockyard Hill Wind Farm Project

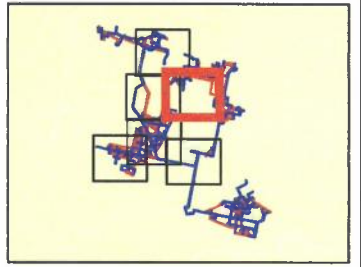


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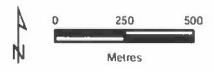




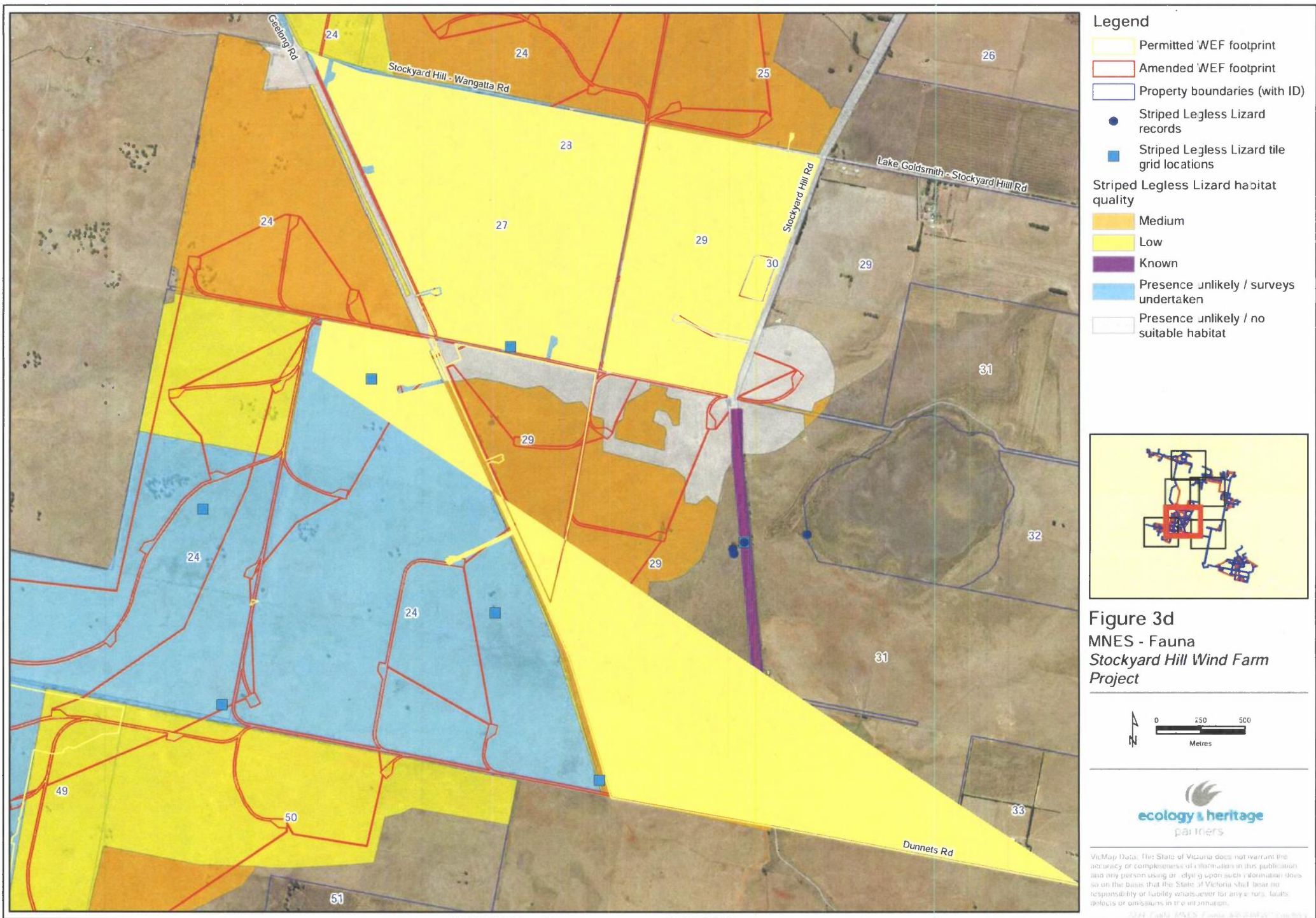
- Legend**
- Permitted WEF footprint
  - Amended WEF footprint
  - Property boundaries (with ID)
  - Striped Legless Lizard grid locations
- Striped Legless Lizard habitat quality**
- Medium
  - Low
  - Presence unlikely / surveys undertaken
  - Presence unlikely / no suitable habitat



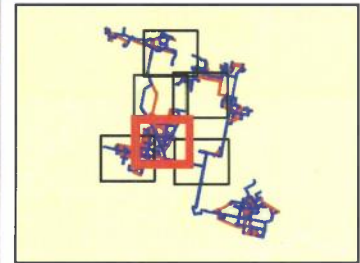
**Figure 3c**  
 MNES - Fauna  
 Stockyard Hill Wind Farm  
 Project



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- Legend**
- Permitted WEF footprint
  - Amended WEF footprint
  - Property boundaries (with ID)
  - Striped Legless Lizard records
  - Striped Legless Lizard tile grid locations
- Striped Legless Lizard habitat quality**
- Medium
  - Low
  - Known
  - Presence unlikely / surveys undertaken
  - Presence unlikely / no suitable habitat



**Figure 3d**  
 MNES - Fauna  
 Stockyard Hill Wind Farm  
 Project



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