



**APPROVAL**

**Kaban Green Power Hub, Kaban, Queensland (EPBC 2018/8289)**

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**

<b>Person to whom the approval is granted (approval holder)</b>	Neoen Australia Pty. Ltd.
<b>ABN of approval holder</b>	ABN 57 160 905 706
<b>Action</b>	To construct and operate a wind farm with up to 29 turbines and associated infrastructure 80 km south-west of Cairns, in Kaban, far north Queensland; as described in the referral received by the Department on 17 October 2018 [See EPBC Act referral 2018/8289].

**Approval decision**

My decisions on whether or not to approve the taking of the action for the purposes of each controlling provision for the action are as follows.

**Controlling Provisions**

<b>Listed Threatened Species and Communities</b>	
Section 18	Approve
Section 18A	Approve

<b>Listed migratory species</b>	
Section 20	Approve
Section 20A	Approve

***Period for which the approval has effect***

This approval has effect until 3 April 2051.

**Decision-maker**

<b><i>Name and position</i></b>	Andrew McNee Assistant Secretary Assessments and Governance Branch Department of Agriculture, Water and the Environment
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<b><i>Signature</i></b>	
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<b><i>Date of decision</i></b>	21 April 2020
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**Conditions of approval**

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

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**ANNEXURE A – CONDITIONS OF APPROVAL**

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**Part A – Conditions specific to the action**

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**Maximum clearing limits**

1. To minimise impacts on **EPBC Act listed threatened species and communities**, the approval holder must not **clear** more than 129 hectares (ha) of habitat for **EPBC Act listed threatened species and communities** within the **project area**, including no more than:
  - (a) 95.2 ha of **Prostanthera habitat**.
  - (b) 3 ha of **Magnificent Brood Frog habitat**.
  - (c) 61.2 ha of **Greater Glider habitat**.
  - (d) 100 ha of **Northern Quoll habitat**, including no more than 5.6 ha of **Northern Quoll denning habitat**.

**EPBC Act listed threatened and migratory species management**

2. The approval holder must implement the **Vegetation Management Plan** and **Fauna Management Plan** for the duration of this approval.
3. The approval holder must report against each performance criterion specified in the **Vegetation Management Plan** and **Fauna Management Plan** and provide an evaluation of the effectiveness of the measures implemented to avoid and mitigate impacts of the action on **EPBC Act listed threatened species and communities** and **EPBC Act listed migratory species** in each annual **compliance report** required under condition 35.
4. To minimise **impacts** on *Prostanthera clotteniana*, the approval holder must undertake **pre-clearance surveys** of all potential **Prostanthera habitat**. The approval holder must prevent any direct or indirect impacts to any *Prostanthera clotteniana* individual.

*Turbine strike monitoring and management*

5. During **operation**, the approval holder must implement the **Bird and Bat Management Plan**.
6. To inform the **risk profile** of each turbine, the approval holder must undertake bird and bat utilisation surveys, including:
  - (a) Prior to **commissioning**, the approval holder must undertake pre-commissioning bird and bat utilisation surveys over a period of at least 24 months, including at least one survey undertaken at or adjacent to each proposed wind turbine location in each of at least one wet season and one dry season in succession.
  - (b) Commencing within 3 months after **commissioning**, the approval holder must undertake post-commissioning bird and bat utilisation surveys over a period of at least 24 months, including at least one survey at or adjacent to each wind turbine in each of at least two wet seasons and two dry seasons in succession.
7. At least one survey in each 12 month period of bird and bat utilisation surveys required under condition 6 must be conducted within the **migratory period** of each **EPBC Act listed migratory species**.
8. The approval holder must report on the results of the bird and bat utilisation surveys required under condition 6 in each annual **compliance report** required under condition 35 until all bird and bat utilisation surveys have been reported on.

9. All bird and bat utilisation surveys must be conducted by a **suitably qualified ecologist**.
10. Prior to **commissioning**, the approval holder must assign a **risk profile** to each turbine within the **project area** using the results of the pre-commissioning bird and bat utilisation surveys required under condition 6(a).
11. If, during bird and bat utilisation surveys required under condition 6 or during any other monitoring or incidental observation during **operation**, one or more individual of an **EPBC Act listed bird or bat species** is detected within the **vicinity** of a **low-risk turbine**, the approval holder must assign that turbine to be a **high-risk turbine** within five **business days** of the detection.
12. During **operation**, the approval holder must include a list of the **risk profiles** of each turbine within the **project area** in each annual **compliance report** required under condition 35.
13. During **operation**, the approval holder must undertake turbine strike monitoring in accordance with the **Bird and Bat Management Plan** at monitoring sites identified in the **Bird and Bat Management Plan** and at all **high-risk turbines** identified as required under conditions 10 and 11.
14. The approval holder must annually evaluate the effectiveness of the measures implemented to avoid and mitigate **impacts** of turbine collision on **EPBC Act listed bird and bat species** and report on that evaluation, and performance against the **impact triggers**, in each annual **compliance report** required under condition 35.
15. If an **impact trigger** is reached or exceeded, the approval holder must implement the adaptive management procedure described in the **Bird and Bat Management Plan**. The approval holder must, on each occasion that an **impact trigger** is reached or exceeded, report on the steps taken and outcomes of implementing the adaptive management procedure, including details of the mitigation measures that have been or will be implemented and an assessment of their likely effectiveness in the first annual **compliance report** required under condition 35 following an **impact trigger** being reached or exceeded.
16. Within 20 **business days** of an **impact trigger** being reached or exceeded, if application of the adaptive management procedure required under condition 15 identifies, in respect of any wind turbine or number of wind turbines, that additional mitigation measures are required but no alternative mitigation measures can or will be implemented; and
  - (a) If the additional mitigation measures are required in respect of the Ghost Bat or Spectacled Flying-fox, the approval holder must cease to operate any wind turbine that contributed to reaching or exceeding an **impact trigger** between sunset and sunrise each day; and/or
  - (b) If the additional mitigation measures are required in respect of any nocturnal **EPBC Act listed migratory species**, the approval holder must cease to operate any wind turbine that contributed to reaching or exceeding an **impact trigger** between sunset and sunrise each day during the **migratory period** of any **EPBC Act listed migratory species** for which an **impact trigger** has been reached or exceeded; and/or
  - (c) If the additional mitigation measures are required in respect of any diurnal **EPBC Act listed migratory species**, the approval holder must cease to operate any wind turbine that contributed to reaching or exceeding an **impact trigger** between sunrise and sunset each day during the **migratory period** of any **EPBC Act listed migratory species** for which an **impact trigger** has been reached or exceeded; and/or
  - (d) If the additional mitigation measures are required in respect of any cathemeral **EPBC Act listed migratory species** or any **EPBC Act listed migratory species** for which diel activity is