

**South Australia – Section 49 of the Development Act 1993**

**DECISION NOTIFICATION FORM  
CROWN DEVELOPMENT AND PUBLIC INFRASTRUCTURE**

**Contact Officer:** Simon Neldner  
**Telephone:** 08 7109 7058  
**KNET Reference:** 11822705

**Development Number:**  
**544/V001/13 V2**

**FOR DEVELOPMENT APPLICATION**

**REGISTERED ON:** 3 January 2013  
**VARIATION 2:** 9 April 2017

**TO:** Yorke Peninsula Wind Farm Project Pty Ltd  
c/- Senvion Australia Pty Ltd  
Level 29, 80 Collins Street  
Melbourne VIC 3000  
**EMAIL:** [Dean.Smith@senvion.com](mailto:Dean.Smith@senvion.com)

**LOCATION OF PROPOSED DEVELOPMENT:**

**(a) Yorke Peninsula - Wind Turbine Host Properties**

AI/Sct No.	Plan / Hd No	Street / Road	Locality	Hundred	Title
A2	FP 1254	St Vincent Highway	Port Vincent	Curramulka	CT 5498/726
A1	DP 33404	Mulburra Park Road	Port Vincent	Curramulka	CT 5064/787
A2	DP 33404	Mulburra Park Road	Port Vincent	Curramulka	CT 5064/788
A3	DP 33404	Mulburra Park Road	Port Vincent	Curramulka	CT 5064/789
A2	DP 43772	Sheaok Flat Road	Sheaok Flat	Curramulka	CT 5396/319
A2	DP 53106	Boundary Road	Curramulka	Muloowurtie	CT 5710/771
A3	DP 56698	Mulburra Park Road	Port Vincent	Curramulka	CT 5844/659
A2	DP 60530	Yorke Highway	Curramulka	Curramulka	CT 5888/598
A6	DP 85469	Twelve Mile Road	Curramulka	Curramulka	CT 6068/501
A1	FP 17030	Piggery Corner Road	Sandilands	Muloowurtie	CT 5551/418
A2	FP 17030	Piggery Corner Road	Sandilands	Muloowurtie	CT 5551/418
A60	DP 68252	St Vincent Highway	Port Julia	Curramulka	CT 5997/537
A21	DP 74694	Anderson Road	Curramulka	Muloowurtie	CT 6127/772
A1	FP 131522	Twelve Mile Road	Curramulka	Curramulka	CT 5239/439
S9	HP 130400	Government Road	Curramulka	Curramulka	CT 5288/395
A201	DP 46762	Government Road	Curramulka	Curramulka	CT 5451/587
A202	DP 46762	Cemetary Road	Curramulka	Curramulka	CT 5451/588
A93	FP 162426	Twelve Mile Road	Curramulka	Curramulka	CT 5300/873
A93	FP 196654	Roolama Road	Curramulka	Curramulka	CT 5583/27
S11	HP 130400	Government Road	Port Vincent	Curramulka	CT 5421/610
S12	HP 130400	Hickmans Road	Port Vincent	Curramulka	CT 5812/285
S13	HP 130400	St Vincent Highway	Port Vincent	Curramulka	CT 5498/726
S14	HP 130400	St Vincent Highway	Port Vincent	Curramulka	CT 5526/212
S15	HP 130400	St Vincent Highway	Port Vincent	Curramulka	CT 5854/297
S17	HP 130400	Government Road	Port Vincent	Curramulka	CT 5417/227
S19	HP 130400	Mulburra Park Road	Port Vincent	Curramulka	CT 5455/437
S21	HP 130400	Government Road	Curramulka	Curramulka	CT 6088/752
S44	HP 130400	Old Coast Road	Port Vincent	Curramulka	CT 6025/865

<b>AI/Sct No.</b>	<b>Plan / Hd No</b>	<b>Street / Road</b>	<b>Locality</b>	<b>Hundred</b>	<b>Title</b>
S69	HP 130400	St Vincent Highway	Curramulka	Curramulka	CT 5491/661
S70	HP 130400	Old Coast Road	Sheaok Flat	Curramulka	CT 5772/304
S71	HP 130400	Old Coast Road	Sheaok Flat	Curramulka	CT 6025/994
S72	HP 130400	Micky Flat Road	Sheaok Flat	Curramulka	CT 5290/810
S74	HP 130400	Micky Flat Road	Curramulka	Curramulka	CT 5460/371
S96	HP 130400	Micky Flat Road	Curramulka	Curramulka	CT 5550/945
S97	HP 130400	Micky Flat Road	Curramulka	Curramulka	CT 5550/945
S98	HP 130400	Micky Flat Road	Curramulka	Curramulka	CT 5308/459
S99	HP 130400	Twelve Mile Road	Curramulka	Curramulka	CT 5308/460
S11	HP 131200	Yorke Highway	Curramulka	Muloowurtie	CT 5425/148
S37	HP 131200	McFarlane Road	Sandilands	Muloowurtie	CT 5539/752
S38	HP 131200	McFarlane Road	Sandilands	Muloowurtie	CT 5424/284
A307	FP 196539	St Vincent Highway	Port Vincent	Curramulka	CT 5562/860
A354	FP 196586	Bittner Road	Curramulka	Curramulka	CT 5410/793
A355	FP 196587	Bittner Road	Curramulka	Curramulka	CT 5831/836
A366	FP 196598	Yorke Highway	Curramulka	Curramulka	CT 5448/294
A367	FP 196599	Yorke Highway	Curramulka	Curramulka	CT 5448/293
A368	FP 196600	Boundary Road	Curramulka	Curramulka	CT 5743/831
A100	FP 196661	Boundary Road	Curramulka	Muloowurtie	CT 5565/925
A100	FP 206515	Twelve Mile Road	Curramulka	Curramulka	CT 5743/830
S100	HP 130400	St Vincent Highway	Port Julia	Curramulka	CT 5448/360
S115	HP 130400	Government Road	Curramulka	Curramulka	CT 5437/730
S118	HP 130400	Government Road	Curramulka	Curramulka	CT 5155/760
S119	HP 130400	Yorke Highway	Curramulka	Curramulka	CT 5141/930
S120	HP 130400	Twelve Mile Road	Curramulka	Curramulka	CT 5531/451
S126	HP 130400	Boundary Road	Curramulka	Curramulka	CT 5786/566
S129	HP 130400	Reddings Road	Curramulka	Curramulka	CT 5316/65
S131	HP 130400	St Vincent Highway	Port Julia	Curramulka	CT 5419/998
S318	HP 130400	Government Road	Curramulka	Curramulka	CT 5437/728
S113	HP 131200	McFarlane Road	Sandilands	Muloowurtie	CT 5552/831
S120	HP 131200	Yorke Valley Road	Sandilands	Muloowurtie	CT 5419/214
S121	HP 131200	McFarlane Road	Sandilands	Muloowurtie	CT 5552/831
S122	HP 131200	Piggery Corner Road	Sandilands	Muloowurtie	CT 5425/473
S123	HP 131200	Piggery Corner Road	Sandilands	Muloowurtie	CT 5377/36
S124	HP 131200	Yorke Valley Road	Sandilands	Muloowurtie	CT 5419/214
S130	HP 131200	North South Road	Curramulka	Muloowurtie	CT 5661/214
S131	HP 131200	Piggery Corner Road	Sandilands	Muloowurtie	CT 5377/36
S134	HP 131200	Davies Road	Curramulka	Muloowurtie	CT 5623/867
S135	HP 131200	Black Bobs Road	Curramulka	Muloowurtie	CT 5555/574
S136	HP 131200	Black Bobs Road	Curramulka	Muloowurtie	CT 5555/574
S137	HP 131200	North South Road	Curramulka	Muloowurtie	CT 5661/214
S144	HP 131200	Anderson Road	Curramulka	Muloowurtie	CT 5276/755
S145	HP 131200	Anderson Road	Curramulka	Muloowurtie	CT 5581/66
S146	HP 131200	Anderson Road	Curramulka	Muloowurtie	CT 5184/369
S147	HP 131200	Anderson Road	Curramulka	Muloowurtie	CT 5566/15
S150	HP 131200	Boundary Road	Curramulka	Muloowurtie	CT 5276/552
S151	HP 131200	Porky Road	Curramulka	Muloowurtie	CT 5276/756

Al/Sct No.	Plan / Hd No	Street / Road	Locality	Hundred	Title
S152	HP 131200	Boundary Road	Curramulka	Muloowurtie	CT 5276/754
S154	HP 131200	Yorke Highway	Curramulka	Muloowurtie	CT 5425/148
S206	HP 131600	Reddings Road	Wauraltee	Wauraltee	CT 5728/131
S117W	HP 130400	Yorke Highway	Curramulka	Curramulka	CT 5448/49
S88N	HP 130400	Yorke Highway	Curramulka	Curramulka	CT 5448/89

**(b) Port Julia - Converter Station & Construction Compound**

Al/Sct No.	Plan / Hd No	Street / Road	Locality	Hundred	Title
S61	HP 130400	Vincombe Road	Port Julia	Curramulka	CT 5719/851

**(c) Port Julia Coastal land - HVDC Cable Route Crossover**

Al/Sct No.	Plan / Hd No	Street / Road	Locality	Hundred	Title
Q65	DP 67120	Old Coast Road	Port Julia	Curramulka	CR 6020/79

**(d) St Kilda Coastal land - HVDC Cable Route Crossover**

Al/Sct No.	Plan / Hd No	Street / Road	Locality	Hundred	Title
A101	DP 84639	Whiting Street	St Kilda	Port Adelaide	CT 6070/123
A102	DP 84639	Whiting Street	St Kilda	Port Adelaide	CT 6070/124

**(e) Globe Derby Park - Converter Station**

Al/Sct No.	Plan / Hd No	Street / Road	Locality	Hundred	Title
A311	DP 40170	Port Wakefield Road	Globe Derby Park	Port Adelaide	CT 5887/235

**NATURE OF PROPOSED DEVELOPMENT:** Variation to DA 544/V001/13 &V1: integrated windfarm development: (a) reduction in the number of turbines from 197 to 187 and the removal of five allotments from the site; (b) increase to the tip height of each turbine from 150 metres to 163 metres; (c) the relocation of turbines to account for the requirements of an upgraded turbine model and to maintain a minimum distance of 1.3km from non-host dwellings; and (d) construction of the development in two stages.

**FROM:** MINISTER FOR PLANNING

I hereby **APPROVE** the above-mentioned application under the *Development Act 1993*.

You may therefore proceed in accordance with your plans, as submitted, subject to 57 conditions and advisory notes as shown on the attached sheets.

**Building works may commence only when a Certificate of Compliance with Building Rules has been received from a Private Certifier, subject to any conditions imposed by the Minister for Planning (or his delegate) and the Certifier.**



**Robert Kleeman**  
**Unit Manager Development Assessment**  
as delegate of the  
**MINISTER FOR PLANNING**

Date of Original Decision: 10 February 2014

Date of Amended Decision: 29 August 2017

Pages: 24

## PLANNING CONDITIONS - DA 544/V001/13 V2

### Planning Conditions

#### ***Relevant documents and plans***

1. Except where minor amendments may be required by other relevant Acts, or by conditions imposed by this application, the development herein approved consists of the staged construction of up to 187 wind turbines, up to eight meteorological measuring masts, two converter stations, one operations compound, one temporary concrete batching plant, HVDC cable including terrestrial and marine sections across Gulf St Vincent, low voltage AC cable to the Rex Minerals Hillside project site, and associated infrastructure and works including temporary equipment storage, underground electrical cabling and switchgear, access roads, fencing, landscaping and earthworks, to be established in strict accordance with the details and plans, including the plans as submitted in Development Application No 554/V001/13 V2:

#### Approved Documentation

- *The CERES Project Section 49 (Crown Development) Development Application, Volume 1, prepared by Parsons Brinkerhoff dated December 2012, together with Volume 2 - Technical Appendices A to W.*
- *The Ceres Project Section 49 (Crown Development) Development Application - 544/V001/13 ADDENDUM, 29 January 2013.*
- *Letter from REpower Australia to the EPA, titled EPA Reference: 32964 / Yorke Peninsula Wind Farm Project - Development Application Information Request - 14 August 2013, dated 27 August 2013*
- *ABB CERES Project - Marine Installation Overview, Ref. ABB-MEH-R-CERES-R003 Rev 7, dated 21 August 2013*
- *Letter from REpower Australia to the EPA together with a Table of Commitments, titled EPA Reference: 32964 / Yorke Peninsula Wind Farm Project - Development Application Information Request, dated 23 July 2013*
- *CERES Wind Farm: Noise Impact Assessment, Report No. 001 R04 2012124ML, prepared by Marshall Day Acoustics, Revision 4 dated 19 July 2013*
- *Email from CERES Project to DPTI dated 22 July 2013 "Aerotech Agreement and Aerial spraying", and attached Aerotech Transaction and Interface Agreement.*
- *Draft Construction and Environmental Management Framework, Doc. No. CEMF\_2162567E-DMS-RPT-001 Rev 2, prepared by Parsons Brinkerhoff, dated June 2013*
- *Additional Information - Clarification with respect to the Temporary Concrete Batching Plant, undated, received by the EPA on 23 July 2013*
- *Ceres Project Section 49 (Crown Development): Submission Response Document, prepared by Parsons Brinkerhoff, dated 27 August 2013*
- *Letter from CERES PROJECT to the Development Assessment Commission dated 10 November 2013 "Response to letter received from Development Assessment Commission dated 30 October 2013" including Appendices 1 to 4.*

- CERES PROJECT "*Development Assessment Commission Hearing – Consolidated Response Document*" dated 11 November 2013
- Letter from CERES PROJECT to the Development Assessment Commission dated 22 November 2013 "*Confirmation of modification to development application following DAC hearing on 14 November 2013*" including Appendices 1 and 2.
- Letter from CERES PROJECT to the Development Assessment Commission dated 5 December 2013 "*Additional information regarding aerial spraying activities*".

Variation 1 – amendment in relation to landowner encumbrances:

- Letter from Dean Smith (Senvion) – ‘Amendment to Landowner encumbrances’ - to DPTI dated 10 March 2015
- Letter from Marcus Rolfe (URPS) – ‘Amendment to Landowner encumbrances’ - to DPTI dated 10 March 2015

Variation 2 - supersedes approved plans and documentation (where applicable).

- CERES layout – 011-00 (including separate maps for North, Central West, Central East, Southern) – undated.
- CERES Project - Updates to Electromagnetic Interference – 30 March 2017 and accompanying plans: AU-CERES-DA-00-000 Ceres Layout 011-00 (2012 vs 2016 constraints); AU-CERES-DA-00-000 Ceres Layout 011-00 2016 constraints).
- CERES Project – Updates to Shadow Flicker Assessment Assumptions – 6 July 2017
- Senvion - Shadow Management – Advanced System – Product Description.
- EBS Ecology – Impact on avifauna through change of rotor swept area – 29 March 2017
- Marshall Day Acoustics – CERES Project – Revised Noise Assessment – Rp 002 R02 201212ML 6 July 2017.
- CERES Project – Letter to EPA dated 29 June 2017 – including updated noise predictions for the converter stations + including supplemental report from Marshall Day Acoustics Rp 003 2012124ML dated 28 June 2017.
- URPS – Letter to Development Assessment Commission - Proposed Variation to Development Application 544/V001/13 – 3 April 2017.
- Ambidji Group – Revised Final Report – Proposed Ceres Wind Farm – Aviation Impact Assessment – V6.0 31 March 2017.
- CERES Layout 011-00 – not dated.
- Elevation – Senvion 3.4M140 – total turbine height 163m (Hub 93m, Blade length 70m)
- Photomontages of Both Senvion 3.4M114 and Senvion 3.4M140 Turbines.

### ***Reserved Matters requiring final approval***

2. Prior to the commencement of construction, the following information shall be submitted for the approval of the Minister for Planning (in consultation with the local councils and relevant state agencies - where applicable):
  - a. the final design, specification and layout plan of all wind turbines in accordance with the South Australian Environment Protection Authority Wind Farms Noise Guidelines 2009, wind monitoring masts, underground cables, internal access roads and ancillary infrastructure.
  - b. the final design, specification and layout of the operations compound and two converter stations - including all buildings, infrastructure, fencing, landscaping, earthworks, noise assessment, proposed access points to the local and arterial road network, and any other relevant matter.
  - c. the final design, specification and alignment of all terrestrial and undersea marine cables (including the proposed overland route from St Kilda to the Globe Derby Park Converter Station)
  - d. the final design, specification and alignment of the proposed connection from the Globe Derby Park Converter Station to the ElectraNet substation.
  - e. the final design, specification and layout of any control building, maintenance, construction and temporary facilities located on the Port Julia converter station site - including the temporary concrete batching plant.
3. Prior to commissioning and operation of the wind farm, the operator shall establish safe flying protocol governing helicopter services used for inspection and maintenance of ElectraNet's 132kV transmission line in proximity of the proposed wind farm in consultation with ElectraNet to the satisfaction of the Minister for Planning.

### ***Construction and operation management plans***

4. A final **Construction and Environmental Management and Monitoring Plan** (CEMMP) must be prepared to the satisfaction of the Minister for Planning for specific elements of the project as outlined below prior to construction of the affected/relevant element(s). (The final CEMMP will be based on the *Scope Construction Environmental Management Plan - Ceres Wind Farm Project* (Scope CEMMP), prepared by Parsons Brinkerhoff, Ref. No. 12-0617-01-2162567D, dated 18 December 2012 and amended to incorporate environmental management measures identified through conditions of Development Plan approval.) Construction of the project must be in accordance with the approved CEMMP(s). The CEMMP(s) must include specific management plans for at least the following:
  - Visual amenity
  - Noise and vibration management
  - Air quality and dust management
  - Flora and fauna management
  - Indigenous and non-indigenous heritage management
  - Traffic and access
  - Erosion and stormwater management
  - Waste management
  - Storage and handling of hazardous substances
  - Weeds and pest management
  - Water quality management (terrestrial)
  - Emergency and fire management

- Operational water usage
- Maintenance processes
- Emergency response planning
- Complaints management.

More specific requirements in relation to some elements of the CEMMP follow.

5. A **Traffic Construction and Management Plan** (TCMP) must be prepared to the satisfaction of the Minister for planning prior to construction of the affected/relevant element(s). The TCMP shall include a requirement for regular monitoring and review of arterial roads during the construction period. This will ensure all necessary maintenance works are carried out to all intersections and access roads from the arterial road network to ensure road safety is maximised.
6. A **Construction Noise and Vibration Management Plan** (CNVMP) must be developed, either as stand-alone plan or as part of a wider Construction Environment Management Plan (CEMP) to the reasonable satisfaction of the Minister for planning prior to commencement of construction. The CNVMP must detail of how construction noise and vibration impacts (including site preparation and demolition works) would be managed to ensure that the mandatory provisions of Part 6 Division 1 of the *Environment Protection (Noise) Policy 2007*.
7. A **Soil Erosion and Drainage Management Plan** (SEDMP) as part of the *Environmental Outcomes and Operator Compliance Monitoring Plan*. The SEDMP should, as a minimum, include:
  - (a) Mitigation and management measures to ensure no lasting impacts from the operation on site contamination, land stability and weed control.
  - (b) Mitigation and management measures to ensure no pollutants or sediment are transported off site by erosion (wind or water) or surface water runoff.

Any sections of the sites that require rehabilitation should be monitored and maintained for a period of at least five years to ensure areas have stabilised fully post rehabilitation.
8. **Concrete batching plant** - the CEEMP must incorporate measures and actions that address to the satisfaction of the EPA, the following issues:
  - i. air quality; including a Dust Management Plan relating to storage of sand, aggregate and cement and vehicular movements within the facility
  - ii. water management including the preparation of a Soil Erosion and Drainage Management Plan (SEDMP)
  - iii. wastewater management
  - iv. waste management, including how waste would be disposed of.
9. A **Traffic Management Plan** for the development shall be provided to the satisfaction of the Minister for planning prior to commencement of construction. This plan shall incorporate the following points:
  - The final construction route/s;
  - Details and locations of access points to the arterial road network;
  - Details of the treatments required for the required access points to the arterial road network;

- Details of all road upgrades required to facilitate the development;
- Details of delivery times;
- Details of proposed road closures and their management;
- Details of the permits required;
- Details of all required road signs and advisory signs;
- A route risk assessment for roads intended for transportation of over-dimensional wind farm components.

The plan shall also reference the guidelines pertaining to the transportation of indivisible items in South Australia.

10. A **Mining Management Plan**, prepared in consultation with mineral tenement holders for the management of current and future access and exploration activities (in accordance with relevant state legislation) on the site shall be prepared to the satisfaction of the Minister for planning prior to commencement of construction of the project.
11. A **Rehabilitation and Landscaping Plan** for the entire site (turbines, access roads, convertor stations etc), including options for environmental offsets and a management program (to be undertaken during the operational life of the project) and end-of-project decommissioning works (to outline the extent of reinstatement and restoration activities upon the removal of the wind-farm and associated infrastructure), shall be submitted for approval by the Minister for Planning prior to commencement of construction of the project.
12. An **Environmental Management and Monitoring Plan** (EMMP) for the construction and operational phases of the development shall be submitted to the satisfaction of the Minister for Planning prior to commencement of construction.
13. A **Bat Monitoring Plan** be established to the satisfaction of the Minister for Planning prior to the commencement of construction and be implemented prior to construction of the turbines and continue for a minimum of two years operation of the project once completed.
14. A **Shadow Management System** shall be installed and operated to control for shadow flicker effects that enables affected turbines to automatically shut-off where shadow flicker exceeds 30 hours modelled and 10 hours measured (per annum) for non-associated dwellings.

### ***General conditions***

15. The temporary concrete batching plant shall be decommissioned and removed from the Port Julia convertor station site following the completion of turbine construction or within six months of the operation on the wind farm (whichever is sooner). This site must then be rehabilitated in accordance with the approved Rehabilitation and Landscaping Plan.
16. Upon cessation of the use hereby approved, the owner/operator must remove the wind turbines and other above and below ground infrastructure from the subject land, and all pad areas and access roads shall be reinstated and the land restored within 2 years to the reasonable satisfaction of the Minister for Planning. All costs shall be borne by the owner/operator.
17. All upgrades to the local and arterial road network to facilitate site access (including but not limited to realignment and sealing) shall be completed prior to the commencement of construction.



18. The wind farm shall be designed and operated in a manner so as to not interfere with existing telecommunication facilities. This shall be confirmed by post-operational monitoring to be conducted by a qualified consultant within six months of wind farm commissioning. If post-operational monitoring confirms a diminution of or interruption to pre-development service levels, the implementation of any off-site mitigation measures for affected receivers shall be at the cost of the developer.
19. All meteorological masts shall be suitably marked with appropriate aviation orange / white stripes, and if guy-wired, equipped with high-visibility cable balls on the outer guy wires. In addition, such towers must be equipped with 16-foot-high-visibility sleeves, one for each anchor mechanism and each outer guy wire. Each marking mechanism shall be maintained to ensure their visibility and attachments to the wires are maintained.

### ***Environment Protection Authority conditions***

#### Noise - General

20. Noise levels at the noise sensitive receivers around the Wind Farm development are to meet requirements of the SA EPA Wind Farms: Environmental Noise Guidelines 2009. The noise level at the *relevant receivers*\* must not exceed:
  - a. 40dB(A) for noise sensitive receivers in the Primary Production Zone or zones other than Rural Living,
  - b. 35dB(A) if receivers are situated in the Rural Living zone, or
  - c. the background noise ( $L_{A90,10}$ ) by more than 5dB(A).

whichever is the greater, at all relevant receivers for wind speed from cut-in to rated power of the WTG and each integer wind speed in between.

*Note: \*For the purposes of these conditions a relevant receiver is an occupied dwelling where the owners do not have an agreement with the wind farm developer. The noise levels should be adjusted in accordance with the Wind Farm Environmental Guidelines 2009 by the inclusion of a penalty for the tonal characteristic.*

21. Warranted maximum sound power characteristic for the wind turbine generators installed in accordance with the proposed layout must not exceed levels shown in Tables 4 and 5 of the acoustic report (CERES Project: Revised Noise Assessment, Report No. 002 R012012124ML, prepared by Marshall Day Acoustics, 9 March 2017). The warranted sound power levels must be measured and reported in accordance with IEC61400-1, Ed.3.0: Wind turbines - Part 11: Acoustic noise measurements techniques.
22. Noise emission of wind turbine generators (WTGs) intended for installation must not include tones audible at the noise receivers ( $\Delta L_{a,k} > 0$ ). The tonality test procedure is defined in IEC 61400-11, Ed.3.0: Wind turbines - Part 11: Acoustic noise measurement techniques. It is desirable that the applicant confirms the absence of audible tones by submitting relevant technical documentation before commencing construction of the wind farm. In case the applicant is unable to confirm the absence of tones by submitting relevant technical documentation, the absence of the tones must be confirmed by results of the test performed at locality No.189 as shown in the acoustic report (CERES Project: Revised Noise Assessment, Report No. 002 R012012124ML, prepared by Marshall Day Acoustics, 9 March 2017).
23. Noise contribution from the converter station and ancillary equipment at the relevant receivers must not exceed allowable levels as indicated in Table 13 in the acoustic

report (*CERES Wind Farm: Noise Impact Assessment*, Report No. 001 R04 2012124ML, prepared by Marshall Day Acoustics, Revision 4 dated 19 July 2013).

24. The applicant must appoint an independent acoustical consultancy (other than the company who prepared the predictive acoustical report) to monitor noise levels at five localities at least: No.10, 125, 129, 189 and 222 (as shown on the map in the acoustic report, CERES Project: Revised Noise Assessment, Report No. 002 R012012124ML, prepared by Marshall Day Acoustics, 9 March 2017). Monitoring must be executed in accordance with the SA EPA Wind farms environmental noise guidelines (2009) where all of the noise sources associated with the wind farm are in operating mode. The results of the monitoring must be submitted to the EPA not later than three months from the date of the wind farm commissioning.
25. In event that the post-construction noise monitoring report reveals non-compliance with the specified noise criteria, the proponent must arrange for the noise monitoring of other relevant noise sensitive receivers. The measures to assure compliance with the specified noise criteria must be undertaken by the proponent for all of the localities where non-compliance with the noise criteria is revealed. Agreement with the land owners of the noise affected premises can be considered as an option in accordance with the SA EPA Wind Farms: Environmental Noise Guidelines 2009.

#### Noise – Converter station

26. Upon completion of detailed design of the converter station, and prior to the commencement of construction, an Environmental Noise Assessment must be prepared by an Acoustic Engineer which demonstrates that noise from operation of the proposed converter station at Globe Derby Park meets the noise goals applicable under the *Environment Protection (Noise) Policy 2007* and determined properly in accordance with the Salisbury City Council Development Plan (as current at the time of application) at all noise sensitive receivers. Any noise mitigation measures required to meet the noise goals must be implemented during construction. The report must be submitted to the Development Assessment Commission prior to commencement of construction. *Note: An Acoustic Engineer is defined as a person having sufficient qualifications and experience as to be eligible for admission to the grade of 'Member' of the Australian Acoustical Society (MAAS).*

#### HDVC Cable Installation

27. To minimise impacts on the marine environment the final HVDC cable route must as far as reasonably practical
  - i. maximise the seaward extent of Horizontal Directional Drilling at the land/sea interface at St Kilda and Port Julia
  - ii. avoid areas of dense seagrass, and
  - iii. where cable surface installation is proposed cable anchor selection must be appropriate for the seabed and installed and maintained with due care.
28. Cable laying techniques, including the use of a Vertical Injector, Jet-assisted Plough (or similar cable burial apparatus) must consider benthic communities and the laying techniques that would result in the smallest disturbance and conducted in accordance with the approved Environment Management Plan. Pre-lay Grapnel Run (or similar intrusive cable route preparation apparatus) must not be used through the St Kilda mangroves or the seagrass communities of Gulf St Vincent.
29. Testing for acid sulphate soils must be undertaken along the proposed terrestrial and intertidal sections of the HVDC cable route prior to construction. The sampling plan must be based on a risk assessment from a qualified environmental consultant

and focus on terrestrial and intertidal locations where saturated soils below five metres Australian Height Datum would be disturbed.

30. Cabling and trench backfilling techniques should be designed to minimise disturbance and oxidation of acid sulphate soils in terrestrial and intertidal locations.

#### Surface Water and Groundwater Protection

31. A bore census must be carried out prior to trenching and WTG foundation excavation to ensure where possible that the ground watertable is not intersected.
32. The design of wind turbine generator foundations likely to intersect groundwater at the watertable must maximise the use of piles.
33. Stormwater must be managed during construction such that it does not impact on any receiving surface water or groundwater resources.
34. Groundwater must not be adversely impacted by any dewatering operations carried out during construction. Any wastewater generated should not enter waters or reach land where it could impact on groundwater.
35. Any spills of fuel, chemicals or wastewater must be managed in such a way as to minimise its impact on the environment and associated surface water and groundwater dependant ecosystems.

#### Temporary Concrete Batching Plant

36. Cement, additives and other chemicals must be stored within a dedicated bunded area designed in accordance with the EPA Guideline *Bunding and spill management (2007)*.

#### Hazardous Materials Storage

37. The storage of hazardous materials must be managed so as to avoid the contamination of soil or receiving waters. Such materials must be stored in a bunded area with the capacity to contain 120 percent (or 133 percent in the case of flammable materials) of the volume of the largest container within the bund. Note: further guidance on bunding and spill management can be found in the EPA Guideline: *Bunding and Spill Management (2007)*.

#### **Bushfire Management**

38. The proponent/wind farm operator must engage with relevant Managers/Officers at CFS Region offices, when designing, installing and operating the wind farm to ensure that CFS response processes are not compromised. This includes the development and implementation of a *Fire and Emergency Management Plan (FEMP)* in consultation with the CFS and relevant emergency service agencies.
39. The following SA Country Fire Service (SACFS) requirements shall be incorporated into the design of the wind farm (and ancillary infrastructure) and shall be documented in the final CEMP and OMP and implemented during the on-going operation for the development:
  - (a) Access will be necessary for fire-fighting vehicles at all times, including during the assembly and construction phases. Access roads on the project site will be built to the following specifications:
    - Shall be constructed with a formed all-weather surface,

- Shall be a minimum width of 4 metres,
  - Shall incorporate passing bays with a minimum formed width of 6 metres (including the road or driveway width), and a minimum formed length of 17 metres. The passing bays should be constructed at 200 metre intervals along the driveway. Where it is necessary to provide adequate visibility, such as the nearest point to another passing bay, passing bays may be required at intervals of less than 200m.
  - Shall be constructed with a minimum external radius of 12.5m for all road curves.
  - Shall not exceed a gradient of 16 degrees (29%),
  - Shall incorporate solid all-weather crossings over any water-course capable of supporting fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes,
  - Vegetation overhanging the access road shall be pruned to achieve a minimum vehicular clearance of not less than 4 metres width and a vertical height clearance of 4 metres,
  - Shall allow fire-fighting vehicles to safely enter and exit the site in a forward direction by incorporating either :-
    - a loop road around the site, OR
    - a turning area with a minimum radius of 12.5 metres, OR
    - a 'T' or 'Y' shaped turning area with a minimum formed length of 11 metres and minimum internal radii of 9.5 metres.
- (b) A vegetation management zone (VMZ) shall be established and maintained within 20 metres of each wind turbine tower as follows:
- The number of trees and understorey plants within the VMZ shall be maintained such that when considered overall a maximum coverage of 30% is attained, and so that the leaf area of shrubs is not continuous.
  - No understorey vegetation shall be established within 10m of the tower site (Understorey is defined as plants and bushes up to 2m in height)
  - Grasses within the zone shall be reduced to a maximum height of 10cm during the fire danger season (e.g. by grazing)
  - The VMZ shall be maintained to prevent the accumulation of dead vegetation during the fire danger season.
- (c) A vegetation management zone (VMZ) shall be established and maintained within 20 metres of each Substation/Control Building/electrical switchyard site as follows:
- The understorey plants within the VMZ shall be maintained such that when considered overall a maximum coverage of 30% is attained, and so that the leaf area of shrubs is not continuous.
  - No understorey vegetation shall be established within 10m of the Substation/Control Building/ electrical switchyard site (Understorey is defined as plants and bushes up to 2m in height)
  - Grasses within the zone shall be reduced to a maximum height of 10cm during the fire danger season (eg by grazing or chemical treatment)
  - The VMZ shall be maintained to prevent the accumulation of dead vegetation during the fire danger season.
- (d) The *Fire and Emergency Services Act* and *Regulations* impose restrictions and prohibit certain types of fire and other prescribed activities during the Fire Danger Season and on Days of Total Fire Ban. These include:
- Schedule 9 Permits during the Fire Danger Season may be required prior to lighting a fire or undertaking certain prescribed activities.

- Schedule 10 Permits will be required prior to lighting a fire or undertaking certain prescribed activities on a Total Fire Ban Day.
  - The local Council must be contacted for the issuing of permits.
- (e) During any Fire Danger Season whilst the wind farm is being constructed, the following fire-fighting equipment shall be readily available and in good operable condition at all times mounted on a suitably designed vehicle or trailer dedicated to serve as the 'site fire trailer' for each construction site:
- 2000 litres of firefighting water
  - One 5hp firefighting pump
  - 2 x 30 metre x 19mm fire hose reels with spray/jet nozzles
  - 4 x firefighting knapsacks
  - 4 x rakehoes
  - 4 x long handled shovels
  - 2 x 9 litre stored water pressurized extinguishers
  - 2 x 9kg dry powder extinguishers
- This equipment shall then be maintained and replaced (as required) for the life of the project and available for deployment (at all times) during the Fire Danger Season.
- (f) During the construction phase of the site emergency services shall have access to adequate tower identification mapping and security gate numbers and Wind Farm Company all-hours emergency contact numbers – these requirements may be addressed by the development of applicable notification procedures to be formulated in the Construction Environmental Management Plan (CEMP) and Operational Environmental Management Plan (OEMP) (Refer Condition 4).
- (g) All company staff that are likely to respond into the project area, must be provided *at a minimum* with the following equipment:
- Reliable radio or telephone (mobile) communications to enable contact from site to emergency services.
  - Crews receive bushfire and other emergency reporting training, and have available at all times a contact and procedures manual.
  - A working knowledge of and be compliant with SA Country Fire Service legislation (use of tools during the Fire Danger Season) and contacts for fire ban advice (CFS and local government).

**DPTI – Transport Services Division conditions**

40. Any upgrades to the road network necessitated by the development shall be at the applicant's cost. This includes any junction upgrades and/or upgrades to facilitate access for Restricted Access Vehicles (RAV) and/or Special Purpose Vehicles (SPV).
41. The proponent shall contact the Vehicle Permits Team on ph 1300 882 249 to discuss the process for approval of RAV and SPV access. The applicant shall be responsible for all costs associated with the assessment of routes and any upgrades to the road network required to facilitate this level of access.
42. The proponent shall seek approval for the concept plans for any junction upgrades from DPTI.
43. All access points to the arterial road network for construction compounds shall be to the satisfaction of DPTI. All upgrades to the arterial road network to facilitate site

access (including but not limited to realignment and sealing) shall be completed prior to the commencement of construction (all turbine clusters).

44. All road works shall be designed and constructed to the satisfaction DPTI, with all costs (including design, project management, construction and any road lighting or drainage upgrades required as a direct result of the development) being borne by the developer. Prior to undertaking the required road works, the developer shall contact DPTI to discuss permitted hours of disruption to traffic flows and technical requirements (which may include upgrades to drainage) for works on or adjacent to a Departmental maintained road.
45. The final route of the transmission line shall be designed to minimise its impact on the arterial road network.
46. All power poles on or adjacent to arterial roads shall be located outside of the road clear zone (minimum 8.0m).
47. All power lines over arterial roads shall provide a minimum vertical clearance of 7.5m
48. Any works undertaken on or adjacent to arterial roads shall not interrupt storm water run-off from the carriageway, or create any flooding on or adjacent to the roadway. Any upgrading or modification to drainage infrastructure required as a direct result of the development and its associated works shall be at the cost of the applicant.

#### ***Coast Protection Board***

49. The exact location and extent of directional drilling for the HVDC cable at the St Kilda and Port Julia coastal interfaces shall be determined (in consultation with marine and coastal scientific officers) to the reasonable satisfaction of the Minister for Planning, to ensure that sensitive coastal and near shore marine habitats are not unduly impacted by the cable or cable laying process

#### ***Native Vegetation***

50. That clearance of or damage to native vegetation on the site or public roads for access during construction shall be minimised.
51. Following the completion of construction works on-site, any tracks and disturbed areas (excluding those used for ongoing access and maintenance) must be rehabilitated and bare areas revegetated as soon as possible, taking advantage of natural rainfall, which is mostly between May and September. If bare areas are still present at the end of spring, they must be temporarily protected and stabilised by geotextile matting or other suitable methods, until they can be effectively revegetated.

#### ***Department of State Development***

52. The proponent must consult with both SEA Gas and Epic Energy to assess and address potential threats from the proposed High Voltage Direct Current (HVDC) Cables intersecting SEA Gas and Epic Energy's Natural Gas Transmission Pipelines.
53. The proponent should consider the Petroleum and Geothermal Exploration Licences that are affected by the proposed wind farm.

## **Aviation**

54. To ensure that fixed wing aerial spraying services can continue to be reasonably provided to adjacent land owners in the same manner as pre-construction of the wind farm, in the event that any aerial spraying service provider proposes to undertake aerial spraying services on land adjacent to the wind farm, the proponent/wind farm operator shall observe the following protocols if requested in writing not less than 24hrs beforehand by the aerial spraying service provider:
- turbines near and within 500 metres of the boundaries of relevant adjacent landowner properties shall be turned off, and blades held stationary and aligned parallel to the flight path for such period of time as reasonably requested by the aerial service provider; and
  - turbines within 500m of the relevant adjacent landowner properties shall be turned off where the aerial service provider believes there may be a risk of turbulence from the turbines impacting on the spraying operations.
55. All earthworks shall be restricted to only those which are shown on the approved plan as required for building and/or access purposes.
56. All Council, utility or state-agency maintained infrastructure (i.e. roads, kerbs, drains, crossovers, cabling, pipe work etc) that is demolished, altered, removed or damaged during the construction of the project shall be reinstated to Council, utility or state agency specifications. All costs associated with these works shall be met by the proponent.
57. The construction of the development may be undertaken in stages as follows:
- Stage 1 – civil works for the converter stations  
Stage 2 – balance of works.
- Reserved matters and conditions 3-14 of this authorization may be satisfied, and building rules consent may be obtained, in relation to each Stage separately such that construction of each Stage may commence once the reserved matters and conditions are satisfied and a Certificate of Compliance has been obtained in relation to the affected/relevant stage.

## **DEVELOPMENT ACT 1993 AND DEVELOPMENT REGULATIONS 2008: REQUIREMENTS**

- Pursuant to Section 49(14) of the *Development Act 1993* before any building work is undertaken, the building work is to be certified by a private certifier, or by some person determined by the Minister for the purposes of this provision, as complying with the provisions of the Building Rules (or the Building Rules as modified according to criteria prescribed by the Regulations).
- The development must be substantially commenced on the windfarm site not later than 10 August 2018, and fully completed the development by 10 August 2021, unless this period has been extended by the Minister for Planning.

## **ADVISORY NOTES**

- a. A current list of Registered Private Certifiers in South Australia is available here: <https://www.sa.gov.au/topics/planning-and-property/land-and-property-development/engaging-building-industry-professionals/list-of-registered-private-certifiers>
- b. At completion of the project all certified documents should be retained by the responsible agency for the life of the asset.
- c. For additional information relating to certification of government building projects, contact Infrastructure Delivery, Department of Planning, Transport and Infrastructure (telephone 8343 2511) Level 1, 77 Grenfell Street, Adelaide, 5000.
- d. Any request for an extension of time must be lodged with the Development Assessment Branch prior to the time period specified above, Department of Planning, Transport and Infrastructure, GPO Box 1815 Adelaide SA 5001.
- e. If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity shall cease and the State Heritage Council shall be notified.
- f. Where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit is required prior to commencing excavation works.
- g. Building Code of Australia and the Australian Standards will determine requirements for any structures on the site and fire protection measures for plant and machinery operating on the site.
- h. Previously provided encumbrance details will be registered against land titles the subject of the approval. The entering in of an encumbrance is a matter between the parties and is subject to the provisions of the *Real Property Act 1886*.

## **Department of Premier and Cabinet – Aboriginal Affairs**

- i. No entries for Aboriginal sites within the proposed development area [as contained in the Central Archive - including Register of Aboriginal Sites and Objects (the Register), administered by the Department of the Premier and Cabinet-Aboriginal Affairs and Reconciliation Division (DPC-AARD)], were recorded. However, the Register is not a comprehensive record of all Aboriginal sites and objects in South Australia. The applicant is advised that sites or objects may exist in the proposed development area, even though the Register does not identify them.
- j. All Aboriginal sites and objects are protected under the Aboriginal Heritage Act 1988 (the Act), whether they are listed in the Register or not. It is an offence to damage, disturb or interfere with any Aboriginal site or damage any Aboriginal object (registered or not) without the authority of the Minister for Aboriginal Affairs and Reconciliation (the Minister). If the planned activity is likely to damage, disturb or interfere with a site or object, authorisation of the activity must be first obtained from the Minister under Section 23 of the Act. Section 20 of the Act requires that any Aboriginal sites, objects or remains, discovered on the land, need to be reported to the Minister. Penalties apply for failure to comply with the Act.



## **Environmental Protection Authority**

- k. The applicant is reminded of its general environmental duty, as required by section 25 of the Environment Protection Act 1993, to take all reasonable and practicable measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm.
- l. EPA information sheets, guidelines documents, codes of practice, technical bulletins etc can be accessed on the following web site: <http://www.epa.sa.gov.au>
- m. An environmental authorisation in the form of a licence is required for the operation of the concrete batching facility. The applicant is required to contact the EPA before acting on this approval to ascertain licensing requirements. The EPA expectation is that all works must be undertaken in accordance with the CEMP, SEDMP, Waste Management Plan, Dust Monitoring Plan, and Water Quality Monitoring Program.
- n. The EPA views the use of a plough, jet trencher or vertical injector (with or without jet nozzles) as dredging according to the definition in schedule 1 of the *Environment Protection Act 1993*. Dredging activities will require a licence to be issued by the EPA under the Environment Protection Act prior to construction.
- o. The land-based component of the proposal requires some clearance of native vegetation and will require approval under the *Native Vegetation Act 1991*, and assessed under Regulation 5(1) (d) of the *Native Vegetation Regulations 2003*. This Regulation encompasses clearance for the provision of infrastructure, and is likely to be applicable providing that all criteria under this Regulation are fulfilled and that a significant environmental benefit (SEB) is achieved to offset the clearance. It must be demonstrated that there is no other practicable alternative that would involve no clearance, less clearance, clearance of less significant veg etc (as per part (IV) of the Regulation).

## **Coast Protection Board**

- p. At St Kilda the HVDC cable intersects waters within the area covered by the Adelaide Dolphin Sanctuary Act 2005. The purpose of this Act is to protect the dolphin population and their natural habitat, including the protection of the dolphin population from direct physical harm including changes in water quality. Contractors should be made aware of the Adelaide Dolphin Sanctuary Act and that there is a general duty of care to protect the dolphin population from physical harm.
- q. Coastal Acid Sulphate Soils (CASS) has the potential to cause major habitat loss and degradation due to the release of acid and heavy metal ions into the environment. There is also a threat to development after construction due to deterioration and corrosion due to the disturbance of CASS. The coastal interface land, particularly at St Kilda, may have the potential to develop acid sulphate conditions if exposed to oxygen. The Coast Protection Board has released a set of guidelines which should be followed in areas where acid sulphate soils are likely to occur.

## **PIRSA**

- r. The marine cable across Gulf St Vincent has potential to impact marine habitats, commercial fishing and aquaculture, including sedimentation impact on oyster production and Mud Cockle fishery at Section Bank. Further consideration should be given to any potential impact on prawn and marine scale fin fish fisheries.

- s. The northern part of Gulf St Vincent is an important Snapper breeding area from November through to January. Any construction activity should be undertaken outside this time frame to minimise potential impacts to spawning Snapper.
- t. The proposal must recognise the principles and objectives of the Northern and Yorke Peninsula Natural Resources Management Board's *Regional Natural Resources Management Plan* and the Government of South Australia's *State Natural Resources Management Plan 2012-2017*.
- u. Permits may be required for water affecting activities on the subject parcel as described by Section 5, *Water Affecting Activities* of Volume D, *Regulatory and Policy Framework*, of the Northern and Yorke Natural Resources Management Board's *Regional Natural Resources Management Plan*.
- v. The underground water resources are not prescribed, however, if a well is required to extract groundwater, under Section 127 (3) of the Natural Resources Management Act 2004 a well construction permit is required. Any wells which are found to exist on the subject parcel are to be maintained and or appropriately decommissioned as per Section 144 and Section 127 (3) of the Act.
- w. DMITRE has advised that the proponent must consider all Petroleum and Geothermal Exploration Licences that are affected by the proposed wind farm, and that SEA Gas and Epic Energy are consulted prior to any construction activities, to assess and address potential threats from the proposed High Voltage Direct Current (HVDC) Cables intersecting SEA Gas and Epic Energy's Natural Gas Transmission Pipelines.
- x. The applicant is advised that the site of the development (and subject of this development authorisation) is located within a designated area under the Narungga Area Indigenous Land Use Agreement (NAILUA). This agreement requires the Development Assessment Commission or the Minister for Planning (Crown development) to notify the Narungga Nation Aboriginal Corporation of any decision within 15 business days and advise the applicant of the following matters:
  - (a) that it is an offence under the *Aboriginal Heritage Act 1988* to damage, disturb or interfere with any Aboriginal Sites, Objects or Remains; and
  - (b) that the Narungga Nation Aboriginal Corporation are responsible for undertaking Heritage Surveys in the ILUA Area.

If you require further any information on the Narungga Area Indigenous Land Use Agreement (N ILUA) you are advised to contact: Narungga Nation Aboriginal Corporation c/- Lempriere Abbott McLeod, 93 Carrington Street, Adelaide, South Australia 5000

- y. DEWNR has advised that the following requirements of the *Heritage Places Act 1993* apply:
  - (a) If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity shall cease and the SA Heritage Council shall be notified.
  - (b) Where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit is required prior to commencing excavation works.

## **ElectraNet**

- z. ElectraNet is the transmission line asset owner within the vicinity of the project and must be consulted regarding interface with the turbine farm and matters including but not limited to separation distances; construction safety, access and telecommunications performance (potential interface). Please contact Myles Somers our Planning and Approvals Manager directly on 08 84047212.
- aa. The registered easements which traverse the land in the proposed wind farm development provide tenure for ElectraNet's 132kV transmission line connecting the Ardrossan West and Dalrymple substations. No building or permanent structure can be placed within or on these easements. In addition, Regulations under the Electricity Act 1996 prescribe safety clearance zones that affect this property and prohibit the construction of any permanent or temporary structures, alterations or storage of material within this zone. In this instance, the regulations prescribe a horizontal safety clearance zone of 20 metres measured each side from the centre of the transmission line (minimum of 40 metres in total).
- bb. Furthermore, fences within this zone are restricted to no more than 2.0 metres in height and any fence line that crosses the ElectraNet easement must have an access gate installed under the conductors to allow heavy vehicle access along the entire length of the easement. Restrictions on landscaping also exist. No storage of earthworks equipment (including huts) may occur within this easement.

## **CASA**

- cc. The applicant is reminded of the Civil Aviation Safety Authority requirements in respect of aircraft safety associated with the turbine structures.
- dd. If the proponent should choose to provide obstacle lighting to indicate the presence of the wind turbines or wind monitoring masts at night or during periods of low visibility, to ensure consistency and avoid any confusion to pilots, the obstacle lighting installation should conform to CASA Manual of Standards (MOS) Part 139, Chapter 9. The MOS is available on our Web Site, <http://www.casa.gov.au>
- ee. Details of the wind turbines and wind monitoring masts should be reported for inclusion in the national database of tall structures maintained by the Royal Australian Air Force (RAAF). Information on reporting of tall structures may be found in advisory circular issued by CASA, "AC 139-0S (0) Reporting of Tall Structures" <http://www.casa.gov.au>
- ff. Before construction commences, a temporary Notice to Airmen (NOTAM) will need be issued to cover the construction period of the wind farm. Please advise the Airservices Australia Aeronautical Information Service (AIS) at [docs.amend@airservicesaustralia.com](mailto:docs.amend@airservicesaustralia.com) of the turbine location and height AHD data of the wind turbines so that pilots can be warned of the construction activity. A permanent NOTAM will need to be issued on completion of the wind farm at which point you will be required to provide final location and height AHD details of the wind turbines.

## **SA Water**

- gg. It should be noted that there is no SA Water network available at the proposed location of the concrete batching plant to the north-west of Port Julia. Alternative arrangements would need to be developed to supply this site.

## **General Legislative Requirements**

Further to and in conjunction with the above notes and conditions the following are "Legislative Requirements" identified by the referral agency's that the applicant must adhere to. The list below is not necessarily comprehensive and it is the proponent's responsibility to ensure compliance with all relevant legislation.

If a septic tank or other wastewater control system is to be installed at each of the convertor station or operation compounds, a wastewater control system application must first be lodged with and approved by the local Council. When the wind farm is decommissioned, any wastewater control system installed on the site will also need to be decommissioned to Council requirements.

### ***Environment Protection Act***

All construction works associated with the development are required to be undertaken in accordance with section 25(1) of the *Environment Protection Act 1993*, which requires that a person must not undertake any activity, which pollutes, or may pollute without taking all reasonable and practical measures to prevent or minimise harm to the environment. In addition, noise emissions associated with the construction and operation of a wind farm must comply with the *Environment Protection (Noise) Policy 2007*. To assist in ensuring compliance, the applicant needs to consider the *EPA Wind Farms: Environmental Noise Guidelines 2009*.

### ***Aboriginal Heritage Act***

The Central Archive, which includes the Register of Aboriginal Sites and Objects (the Register), administered by the Department of the Premier and Cabinet-Aboriginal Affairs and Reconciliation Division (DPC-AARD), has no entries for Aboriginal sites in this location.

The Register is not a comprehensive record of all Aboriginal sites and objects in South Australia. The applicant is advised that sites or objects may exist in the proposed development area, even though the Register does not identify them. All Aboriginal sites and objects are protected under the *Aboriginal Heritage Act 1988* (the Act), whether they are listed in the Register or not. Land within 200 metres of a watercourse (particularly the River Murray and its overflow areas) in particular, may contain Aboriginal sites and objects.

It is an offence to damage, disturb or interfere with any Aboriginal site or damage any Aboriginal object (registered or not) without the authority of the Minister for Aboriginal Affairs and Reconciliation (the Minister). If the planned activity is likely to damage, disturb or interfere with a site or object, authorisation of the activity must be first obtained from the Minister under Section 23 of the Act. Section 20 of the Act requires that any Aboriginal sites, objects or remains, discovered on the land, need to be reported to the Minister. Penalties apply for failure to comply with the Act.

### ***Native Vegetation Act***

The applicant will need to seek permission for any clearance of native vegetation, pursuant to the *Native Vegetation Act 1991* (unless an exemption applies). The applicant will need to calculate the amount of all native vegetation (for each community type) that would be cleared or disturbed, once the layout of turbines and ancillary infrastructure has been finalised. A Significant Environmental Benefit (SEB) to compensate for any clearance will need to be negotiated with the Native Vegetation Council as part of an application, pursuant to the Act.

In the detailed planning stage, the proponent is requested to consider the following matters to reduce the potential for vegetation removal:

- Where there are existing access tracks and alternative access points that minimise vegetation clearance requirements for turbine locations, these alternatives should be used, as per EBS recommendations.
- The preliminary plan for the converter station layout (Figure 1.4) indicates that the access track for turbine 212 will have an access track which passes through an area of remnant native vegetation. Consideration should be given to relocation of the track to avoid passing through this area of vegetation and resulting in unnecessary clearance in an area that has been heavily cleared and has very little remaining native vegetation.
- Proponents should consider relocation of operations compound into a cleared area in adjacent paddock, as per EBS recommendation. Clearance of up to 18.5 ha of native vegetation is required at the current location; representing a relatively large area in a heavily cleared region where any remnant vegetation is significant (although it is acknowledged that the vegetation is somewhat degraded).
- It is noted that there are a number of turbines where the ideal buffer of 100m from native vegetation areas has not been achieved; at variance with recommendations from EBS. The proponents should consider increasing buffers around significant native vegetation areas where these buffers are less than the recommended (for all remnant vegetation areas, but particularly for high-value vegetation areas). As discussed in the EBS report, decreasing of these buffers increases the risk of impacts on this vegetation.
- Directional drilling should be undertaken for the land-based part of the HVDC cable laying process, where sensitive areas of native vegetation are present. Micro-placement of cable should be undertaken to avoid impact on remnant vegetation wherever possible.
- Buffers should be utilised around areas comprising significant species, to ensure their protection.
- The St Kilda-Globe Derby Park cable alignment (one of two options under consideration) should be selected to minimise clearance of native vegetation. Where the cable is to be along roads, it should be laid within the road surface where native roadside vegetation is present. (It is noted that the two possible alignments under consideration have not been surveyed, as the original Port Wakefield Road alignment was the only option under consideration at the time of assessment by EBS. The two current alternatives will need to have a detailed vegetation survey undertaken prior to construction, and any vegetation issues addressed. If native vegetation clearance is unavoidable, clearance areas will need to be calculated and SEB ratios assigned as appropriate in order to calculate SEB for this part of the proposal.
- Clearance of Sea grasses resulting from the installation of the marine cable needs to be included in the application to clear native vegetation, and will also incur a SEB. The area of Sea grass clearance should be estimated as accurately as possible and should include any projected impacts on Sea grass beds resulting from increased turbidity. Locations and methods of cable-laying should be selected and utilised in order to minimise impacts on the marine vegetation.
- Horizontal directional drilling is supported where possible in order to minimise impacts on the inter-tidal and sub-tidal and reef. Where the cable is to exit the sea on the St Kilda side, the location should be carefully selected and construction carefully managed so as to avoid impacts on the mangrove/samphire area. Liaison with the Coast Protection Board should be maintained throughout the cable laying process, to ensure minimal impacts.

- The CEMP should state that no equipment, materials or vehicles should be stored, stockpiled or parked in areas comprising native vegetation. Areas suitable for such activities should be clearly marked.
- Requirements for weed management and dust suppression during construction should be discussed specifically in relation to native vegetation within the Flora and Fauna Management section of the CEMP to ensure remnant vegetation areas are not impacted (this may also be discussed in more detail in the Ceres Wind farm project Flora and Fauna Management Plan, which was not supplied with the DA for review). Ongoing monitoring and remedial actions for the spread of exotic species should also be part of the Flora and Fauna Management Plan.

### **Commonwealth Environment Protection & Biodiversity Conservation Act**

The Commonwealth Department of Sustainability, Environment, Water, Population and Communities was referred the proposed development by the applicant under the *Environment Protection and Biodiversity Conservation Act 1999* (the Act) to determine whether the works and activities to be undertaken constituted a controlled action under the Act. On 21 December 2012, the Commonwealth determined that the development was not a controlled action (subject to being undertaken in the manner set out in the decision notification).

The following measures were mandated to minimise impacts on Listed threatened species and communities (Sections 18 & 18A of the Act) and listed migratory bird species (Sections 20 & 20A of the Act):

- no clearance of *Acacia enterocarpa*, *Acacia rheticarpa* or *Olearia pannosa spp* within the project area (as identified within the determination)
- no more than 1.47ha clearance of native vegetation located in road reserves within the project area
- no clearance of native vegetation in areas designated as conservation zones
- prior to construction, a qualified ecologist conducts micro-siting surveys in areas designated as signed land vegetation 100m buffers and recovery potential to ensure listed threatened species and species habitat is not impacted by construction activities
- adoption of weed control measures (as identified within the determination)
- temporary fencing or flagging is completed prior to construction to delineate conservation zones and areas where listed threatened species have been previously recorded. Signage must be in place to indicate these areas
- all vehicles, machinery and equipment are limited to the construction footprint, access tracks and existing cleared areas. Signage must be in place to indicate this requirement
- a minimum buffer of 1km between the placement of wind turbine generators and the coastline
- all vessel masters are made aware that southern right whales (*Eubalaena australis*) may be in and around Gulf St Vincent and are made aware of the requirements of the *Environment Protection and Biodiversity Conservation Regulations 2000 - Part 8 Interacting with Cetaceans and Whale Watching*. If a southern right whale enters

within 500m of a vessel, operations must cease, and not resume until the animal moves 500m from the vessel

- all staff and contractors engaged in construction activities are provided with training prior to commencing work, to promote awareness of the above requirements.

### **Contacts**

When undertaking the finalisation of various management plans and/or licensing requirements, the following Departmental contacts have been nominated by the Government Agency referral bodies:

#### ***Department for Manufacturing, Innovation, Trade, Resources and Energy***

Please contact Ms Raelene Darwin at [raelene.darwin@sa.gov.au](mailto:raelene.darwin@sa.gov.au) or (08) 8303 3502 if you wish to discuss any of Mineral Resources or Energy Resources Division's comments generally or Mr Michael Jarosz at [michael.jarosz@sa.gov.au](mailto:michael.jarosz@sa.gov.au) or (08) 8226 1613 or if you have any queries in relation to the requirements of the P&GE Act or AS2885.

#### ***Department of Planning, Transport and Infrastructure***

##### Traffic Management & Roadworks

DPTI - RAMA North, Asset Enhancement Engineer, Mr Victor Ling on ph (08) 8104 5360 (or mobile 0467 784 657 or email [Victor.Ling@sa.gov.au](mailto:Victor.Ling@sa.gov.au))

DPTI - Traffic Management Centre, ph 1800 018 313 ([dpti.tmc@sa.gov.au](mailto:dpti.tmc@sa.gov.au))

##### Over Dimensional Vehicles

DPTI - Vehicle Permits Team on ph 1300 882 249.

##### Transmission Network – Terrestrial

Converter Station – Port Julia – DPTI - RAMA North, Asset Enhancement Engineer, Mr Victor Ling on ph (08) 8104 5360 (or mobile 0467 784 657 or email [Victor.Ling@sa.gov.au](mailto:Victor.Ling@sa.gov.au))

Converter Station – Globe Derby Park – DPTI - Traffic Operations, Senior Engineer, Network Integrity, Ms Peta McBride ph (08) 8226 8385 (or mobile 0437 368 472 and email [peta.mcbride@sa.gov.au](mailto:peta.mcbride@sa.gov.au))

DPTI - Northern Connector Project Manager, Mr George Panagopoulos on ph (08) 8343 2248 (or mobile 0419 852 200 or email [George.panagopoulos@sa.gov.au](mailto:George.panagopoulos@sa.gov.au)).

##### Transmission Network – Marine

For further discussion please contact DPTI - Marine Services, Manager, Marine Operations, Mr Gordon Panton on ph (08) 8260 0027 (or mobile 0488 105 230 or email [gordon.panton@sa.gov.au](mailto:gordon.panton@sa.gov.au)).

##### Lease Agreement - Marine

The applicant is advised to contact DPTI - Transport Property, Case and Strategy Manager, Marine, Mr Justin Shaw on ph (08) 7424 7033 (or email [justin.shaw@sa.gov.au](mailto:justin.shaw@sa.gov.au)) to proceed with the licence agreement.

Any information sheets, guidelines documents, codes of practice, technical bulletins etc. that are referenced in this response can be accessed on the following web site:  
<http://www.epa.sa.gov.au>.