

**GROWN DEVELOPMENT AND PUBLIC INFRASTRUCTURE
AND
ELECTRICITY INFRASTRUCTURE DEVELOPMENT
DECISION NOTIFICATION FORM**

Contact Officer: Joe Federico
Telephone: 83030554
KNET Reference: 8058731, 2012/25900/01

Development Number:
711/V006/12

FOR DEVELOPMENT APPLICATION

DATED: 22 June 2012
REGISTERED ON: 22 June 2012

TO: Energy Pacific (Vic) Pty Ltd
Level 11, 474 Flinders Street
MELBOURNE VIC 3000

EMAIL: kderriman@pacifichydro.com.au

LOCATION OF PROPOSED DEVELOPMENT:

Title Reference Volume/Folio	CT 5370/673, CT 5910/35, CT 5203/997, CT 5620/53, CT 5547/432, CT 6093/980, CT 5535/664, CT 5478/641, CT 5739/389	Refer appendix A for detail
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NATURE OF PROPOSED DEVELOPMENT: Wind Farm and associated ancillary infrastructure.

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 conditions and notes as shown on the attached sheet.

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.


John Rau
MINISTER FOR PLANNING
Date of Decision: 29.11.13
DEVELOPMENT APPLICATION 711/V006/12

PLANNING CONDITIONS:

1. Except where minor amendments may be required by other relevant Acts, or by conditions imposed by this application, the development shall be established in strict accordance with the details and plans, including the amended plans as submitted in development application number 711/V006/12:

Proposed Keyneton Wind Farm Development Application Report, Volume 1 (Pacific Hydro)
Proposed Keyneton Wind Farm Development Application Report, Volume 2 (Pacific Hydro)
Appendix A, PacificHydro Proposed Keyneton Wind Farm - Response to Agency Submissions

2. Prior to the commencement of construction, the final layout plan and associated details of the wind turbines and ancillary infrastructure, shall be submitted for approval by the Minister for Planning.
3. Noise levels at the noise sensitive receivers around the wind farm development are to meet requirement of the EPA Wind Farm Environmental Noise Guidelines. The noise level at the relevant receivers must not exceed 40dB (A). However if the background noise exceeds 40dB (A) then the noise level at the receiver must not exceed the background noise by more than 5 dB (A)
4. Should the wind turbine model REPower MM92, not be the turbine which is constructed on site, the developer will be required to re-submit a new noise assessment report based upon the wind turbine model selected. The selected model should again be reviewed by the Environment Protection Authority and, if necessary, a new independent review of the submitted noise assessment should be undertaken with the resultant noise levels being to the satisfaction of the Minister for Planning.
5. Noise emission of Wind Turbine Generators (WTG's) intended for installation must not include tones audible at the noise receivers (Delta La, k.0). The tonality test procedure is defined in the IEC 61400-11, Ed.2.1: Wind turbine generator systems - Part 11: Acoustic noise measurement techniques. Absence of the tones must be confirmed by results of the test performed at locality R117 as shown in the acoustics report (VIPAC engineers & Scientists, 18th June 2012).
6. An independent acoustical consultancy must be appointed to monitor noise levels at four localities at least: R42, R117, R126, R155 (as shown on the map in the acoustics report, (VIPAC engineers & Scientists, 18th June 2012). Monitoring must be executed in accordance with the EPA Wind Farms: Environmental Noise Guidelines where all of the noise sources associated with the wind farm are in operating mode.
7. The results of the monitoring must be submitted to the EPA not later than four (4) months from the date of the wind farm commissioning.
8. The project's Construction Environmental Management and Monitoring Plan (CEMMP) which includes the Pollution Prevention Plan (including stormwater management, sedimentation and erosion prevention (SEDMP)); the Native Vegetation Management and Monitoring Plan; the Weed Management and Monitoring Plan; the Site Rehabilitation Management Plan; the Noise Environmental Management and Monitoring Plan; the Cultural Heritage Management and Monitoring Plan; the Fire and Emergency Management Plan; the Traffic Management and Monitoring Plan and the Site Rehabilitation Management Plan as outlined in Chapter 12, Volume 1 be strictly adhered to and be executed to the satisfaction of the relevant authorities.
9. The Operational Environmental Management and Monitoring Plan (OEMMP) which includes; the Pollution Prevention Plan (including stormwater management, sedimentation and erosion prevention (SEDMP)); the Native Vegetation Management Plan; the Weed Management and Monitoring plan; the Noise Environmental Management and Monitoring Plan; the Fire and Emergency Management Plan and the Traffic Management and

Monitoring Plan, as outlined in Chapter 12, Volume 1 of the *Proposed Keyneton Wind Farm Development Application Report, Volume 1 (Pacific Hydro)*, be strictly adhered to and be executed to the satisfaction of the relevant authorities.

10. That all and any other plans including but not limited to the TV reception plan as detailed in the *Proposed Keyneton Wind Farm Development Application Report, Volume 1 (PacificHydro)*, *Proposed Keyneton Wind Farm Development Application Report, Volume 2 (PacificHydro)* and *Appendix A, PacificHydro Proposed Keyneton Wind Farm - Response to Agency Submissions* be strictly adhered to.
11. The storage and use 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% (or 133% 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*. There shall be no on-site burial of waste materials.
12. Any clearance of native vegetation be consistent with the Native Vegetation Regulation 5(1)(d) – Provision of Infrastructure, under the *Native Vegetation Regulations 2003*.
13. A Traffic Management Monitoring Plan (TMMP) shall be provided to DPTI for approval prior to commencement of construction. This plan shall incorporate:
 - The final construction route/s;
 - Details of all road upgrades required to facilitate the development;
 - Details of delivery times;
 - Details of proposed road closures and their management;
 - Details of permits required;
 - Details of all required road signs and advisory signs; and
 - A route risk assessment for roads intended for transportation of over-dimensional wind farm components.

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

14. Construction compounds shall be identified on a final layout plan identifying access requirements to the arterial network.
15. That the final design of the transmission line shall be designed to minimise its impact on the arterial road network.
16. All power lines over arterial roads shall be located outside of the road clear zone (minimum 8.0m)
17. 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 (northern and southern clusters).
18. All road works shall be designed and constructed to the satisfaction of the Transport Services Division (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 this Departments Eastern Region (Murray Bridge Office), Regional Planning Engineer, Mr Brian Gilbert on telephone (08) 85328130 to discuss permitted hours of disruption to traffic flows and technical requirements (which may include upgrade to drainage) for works on or adjacent to a Departmental maintained road.
19. Wind Farm operator/s should engage with relevant Managers/Officers at CFS Region offices, when designing, installing and operating wind farms to ensure that CFS response processes are not compromised.

20. All plant and heavy equipment should carry at least one 9 Litre Water Stored Pressure fire extinguisher with a minimum rating of 3A.
21. Grass should be no more than 10cm in height and leaf litter no more than 10mm deep for a distance of ten (10) metres around constructed buildings and viewing platforms;
22. There should be no long grass or deep leaf litter in areas where plant and heavy equipment will be working
23. A fuel reduced area of five (5) metres width should be maintained around the perimeter of electricity compounds and sub station type facilities.
24. If a septic tank or other wastewater control system is to be installed at each of the temporary construction compounds, a wastewater control system application must first be lodged with and approved by Mid Murray Council. When the construction compounds are decommissioned and removed from the land, any wastewater control system installed on the site will need to be decommissioned to Council requirements.
25. The wind farm shall be designed and operated in a manner so as to not interfere with existing telecommunication facilities.
26. 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 in accordance with the *Decommissioning and Reinstatement Plan dated June 2012* to the reasonable satisfaction of the Minister for Planning with all costs borne by the owner/operator.

OBLIGATIONS PURSUANT TO THE DEVELOPMENT ACT 1993 AND DEVELOPMENT REGULATIONS 2008

- i. 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).
- ii. The development must be substantially commenced within Four (4) years of the date of this Notification, unless this period has been extended by the Minister for Planning.
- iii. Any act or work authorised or required by this Notification must be completed within Six (6) years of the date of the Notification unless this period is extended by the Minister for Planning.
- iv. If these requirements cannot be satisfied, a fresh consent before commencing or continuing the development.

ADVISORY NOTES

- a. A current list of Registered Private Certifiers in South Australia is available here: <http://sa.gov.au/subject/Housing%2C+property+and+land/Building+and+development/Building+and+development+applications/Development+applications+with+a+building+component/List+of+registered+private+certifiers> (sa.gov.au website).
- 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 Shane Turner (Principal Engineer: Structural) Building Management, Department of

Planning, Transport and Infrastructure (telephone 8226 5223) Level 2, 211 Victoria Square, Adelaide, 5000.

- d. Any request for an extension of time must be lodged with the Planning and Assessment Branch prior to the time period specified above, Department of Planning, Transport and Infrastructure, GPO Box 1815 Adelaide SA 5001.
- e. If, during construction or operation of the development, the proponent discovers evidence of an aboriginal site or any aboriginal objects or remains, the proponent is required, pursuant to the *Aboriginal Heritage Act 1988*, to report particulars to of such discovery to the Minister for Aboriginal Affairs and Reconciliation and thereafter comply with any directions given by the Minister Aboriginal Affairs and Reconciliation.
- f. The applicant is reminded of the Civil Aviation Safety Authority requirements in respect of aircraft safety associated with the turbine structures.
- g. The applicant is reminded of the requirement under the *Native Vegetation Act 1991* to obtain permission under that Act for any clearance of native vegetation or otherwise to bring itself within an exemption under that Act.
- h. The applicant is reminded of the requirement under the *Environment Protection & Biodiversity Conservation Act 1999* to make a referral pursuant to the Act if any activity is likely to affect any matters of National Environmental Significance, such as threatened communities or species of native vegetation and fauna.
- i. The applicant is reminded of its general environmental duty, as required by section 25 of the Environment Protection Act. To take all reasonable and practical 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.
- j. Earthworks and heavy vehicle movement resulting in site disturbance including track construction or upgrading, erection of overhead transmission lines and cable trenching should not be undertaken when soil damage, degradation or erosion is likely to occur as a result of the activity or exposure to wind or rain.
- k. The applicant is advised that construction and operational activities resulting in the exposure of soil or the stockpiling of soil and spoil should be managed to avoid erosion and/or sediment entering any wetland, watercourse or drainage line. (Further assistance can be found in the EPA Stormwater Pollution Prevention Code of Practice for the Building and Construction Industry.)
- l. The applicant is advised that construction noise resulting in noise with an adverse impact on amenity must comply with Part 6, Division 1 of the *Environment Protection (Noise) Policy 2007*.
- m. An environmental authorisation in the form of a licence under the *Environment Protection Act 1993* must be obtained before commencing any batching on site. The applicant is advised to contact the EPA in sufficient time to determine the licensing requirements.
- n. 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>
- o. 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.
- p. 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.

- q. The applicant is advised of their general duty of care under the *River Murray Act 2003* to take all reasonable measures to prevent any harm to the River Murray through his or her actions or activities.
- r. The River Murray and many of its tributaries and overflow areas have abundant evidence of Aboriginal occupation and Aboriginal sites, objects or artefacts may be present on the subject land (eg. Scarred trees, campsites, burial sites, middens etc). Under section 20 of the *Aboriginal Heritage Act 1988* (the Act), an owner or occupier of private land, or an employee or agent of such an owner or occupier, must report the discovery on the land of any Aboriginal sites, objects and remains to the Minister responsible for the administration of the Act, as soon as practicable, giving the particulars of the nature and location of the Aboriginal sites, objects or remains. 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. If the planned activity is likely to damage, disturb or interfere with a site or object, authorisation of the activity must first be obtained from the Minister under Section 23 of the Act. Penalties may apply for failure to comply with the Act.
- s. 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.

Further to and in conjunction with the above notes and conditions there are “**Legislative Requirements**” that the applicant must adhere to

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 applicant will need to seek permission to disturb damage or destroy any Aboriginal Sites as a result of construction activities, pursuant to the *Aboriginal Heritage Act 1988*. In addition, the applicant and all employees (inc contractors) must be conversant with the provisions of the Act, particularly the requirement to immediately contact the Department of Premier & Cabinet (Aboriginal Affairs and Reconciliation) in the event that archaeological items (especially skeletal material) are uncovered during earthmoving.

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.

Commonwealth Environment Protection & Biodiversity Conservation Act

The environmental studies that support the application identified several communities of native vegetation and species of native fauna that are listed as threatened under the *Environment Protection & Biodiversity Conservation Act 1999*. Once the layout of turbines and ancillary infrastructure has been finalised, the applicant will undertake further ecological surveys (esp. for Pygmy Bluetongue Lizard) and submit a referral pursuant to the Act if required.

Appendix A

LOCATION OF PROPOSED DEVELOPMENT

DA 711/V006/12

Title Reference Volume/ Folio	Land plan and parcel details on title	Land parcels within wind farm site boundary
CT 5370/673	<p>Allotments 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 118, 119, 120, 121, 122, 123, 124, 125, 126 and 130. Filed Plan 174436.</p> <p>In the area named Keyneton. Hundreds of Jellicoe and Moorooroo.</p> <p>Allotments comprising pieces 116, 117, 127, 128 & 129. Filed Plan 174436.</p> <p>In the areas named Keyneton and Moculta. Hundreds of Jellicoe and Moorooroo.</p> <p>Pieces 116 and 117 form one allotment.</p> <p>Pieces 127, 128 and 129 form one allotment.</p>	<p>Allotments 101, 102, 103, 106, 107, 108, 109. Filed Plan 174436.</p> <p>In the area named Keyneton. Hundreds of Jellicoe and Moorooroo.</p>
CT 5910/35	<p>Section 158. Hundred of Jellicoe. In the area named Towitta.</p> <p>Sections 346, 355, 645, 662, 663, 664, 669, 670, 677 and 824. Hundred of Jellicoe. In the area named Keyneton.</p> <p>Allotment 101. Deposited Plan 18000. In the area named Keyneton. Hundred of Jellicoe.</p> <p>Allotment 200. Deposited Plan 21149. In the area named Keyneton. Hundred of Jellicoe.</p> <p>Allotments 109, 112, 113, 114, 115, 116, 117, 118 & 119. Filed Plan 35437. In the area named Keyneton. Hundred of Jellicoe.</p> <p>Allotment comprising pieces 120, 121, 122 & 123. Filed Plan 35437. In the areas named Keyneton and Towitta. Hundred of Jellicoe.</p> <p>Allotment comprising pieces 31 and 32. Filed Plan 161156. In the area named Keyneton. Hundred of Jellicoe.</p> <p>Allotment 33. Filed Plan 161157. In the area named Keyneton. Hundred of Jellicoe.</p> <p>Allotment comprising pieces 34 and 35. Filed Plan 161157. In the area named Keyneton. Hundred of Jellicoe.</p>	<p>Sections 662, 663, 664, 669, 670. Hundred of Jellicoe. In the area named Keyneton.</p> <p>Allotment 200. Deposited Plan 21149. In the area named Keyneton. Hundred of Jellicoe.</p> <p>Allotments 114, 115, 116, 117. Filed Plan 35437. In the area named Keyneton. Hundred of Jellicoe.</p>
CT 5203/997	<p>Sections 552, 557, 564 . In the area named Keyneton. Hundred of Jellicoe.</p> <p>Sections 657 and 658. Hundred of Jellicoe. In the areas named Keyneton & Mount McKenzie.</p> <p>Sections 788, 789, 790 and 799. Hundred of Jellicoe. In the area named Keyneton.</p> <p>Allotment 6. Deposited Plan 21151. In the area named Keyneton. Hundred of Jellicoe.</p> <p>Allotments 7. Deposited Plan 21151. In the area named Sedan. Hundred of Jellicoe.</p> <p>Allotments 2 and 3. Filed Plan 103977.</p> <p>In the area named Mount McKenzie. Hundred of Jellicoe.</p>	<p>Sections 552, 557, 564. In the area named Keyneton. Hundred of Jellicoe.</p> <p>Sections 657 & 658. Hundred of Jellicoe. In the areas named Keyneton & Mount McKenzie.</p> <p>Sections 788, 789, 790 and 799. In the area named Keyneton. Hundred of Jellicoe.</p> <p>Allotments 2 and 3. Filed Plan 103977. In the area named Mount McKenzie. Hundred of Jellicoe.</p>

CT 5620/53	Allotments 117, 118 and 119. Filed Plan 216418. In the area named Mount McKenzie. Hundred of Jellicoe. Allotments 120, 121, 122 and 123. Filed Plan 216418. In the area named Keyneton. Hundred of Jellicoe.	Allotments 117, 118 and 119. Filed Plan 216418. In the area named Mount McKenzie. Hundred of Jellicoe. Allotments 120, 121, 122 and 123. Filed Plan 216418. In the area named Keyneton. Hundred of Jellicoe.
CT 5547/432	Allotment 254. Filed Plan 170003. In the area named Mount McKenzie. Hundred of Jellicoe.	Allotment 254. Filed Plan 170003. In the area named Mount McKenzie. Hundred of Jellicoe.
CT 6093/980	Allotment 1000. Deposited Plan 12383. In the area named Cambrai. Hundreds of Angas and Jellicoe and Jutland.	Allotment 1000. Deposited Plan 12383. In the area named Cambrai. Hundreds of Angas and Jellicoe and Jutland.
CT 5535/664	Allotment 2. Deposited Plan 27990. In the area named Eden Valley. Hundred of Jutland.	Allotment 2. Deposited Plan 27990. In the area named Eden Valley. Hundred of Jutland.
CT 5478/641	Blocks 8 and 467. Hundred of Jutland. In the area named Eden Valley.	Block 467. Hundred of Jutland. In the area named Eden Valley.
CT 5739/389	Allotment 9. Deposited Plan 3806. In the area named Cambrai. Hundreds of Angas and Jellicoe and Jutland.	Allotment 9. Deposited Plan 3806. In the area named Cambrai. Hundreds of Angas and Jellicoe and Jutland.