



## ENVIRONMENT PROTECTION NOTICE No. 10105/2

Issued under the *Environmental Management and Pollution Control Act 1994*

Issued to: **WILD CATTLE HILL PTY LTD**  
**ACN 610 777 369**  
**L33 POWERCHINA, 8 EXHIBITION STREET**  
**MELBOURNE VIC 3000**

Environmentally Relevant Activity: **The operation of a wind farm (ACTIVITY TYPE: Wind Energy Facilities )**  
**CATTLE HILL WIND FARM, 197 - 198 MACCLESFIELD ROAD**  
**WADDAMANA TAS 7030**

### GROUND

I, Edith O'Shea, Delegate for the Director, Environment Protection Authority, being satisfied in accordance with section 44(1)(d) of the *Environmental Management and Pollution Control Act 1994* (EMPCA) that in relation to the above-mentioned environmentally relevant activity that it is desirable to vary the conditions of a permit (see table below) hereby issue this environment protection notice to the above-mentioned person as the person responsible for the activity.

Permit No.	Date Granted	Granted By
2010/19	16 April 2012	Central Highlands Council

### PARTICULARS

The particulars of the grounds upon which this notice is issued are:

- 1 The Permit conditions need to be varied to reflect updated terminology and regulatory practice, to reflect continuous improvement consistent with the objectives of EMPCA and/or to clarify the meaning of the conditions.
- 2 It is necessary to vary the definition of The Land and Attachment 1 to reflect updated property boundaries and accurate titles.
- 3 It is necessary to add definitions for Collision Avoidance and Detection Plan, Minister, daylight hours, active Wedge-tailed eagle nest, active White-bellied Sea-eagle nest and New Wedge-tailed Eagle and White-bellied Sea Eagle nests, and to add Attachment 3 - Known Eagle Nests, to reflect nests utilised by eagles, and the location of nests known at the time these conditions take effect.
- 4 It is necessary to remove conditions G5, G6, G7, A2, CN1, CN2, E1, FF1, FF3, FF4, FF6, FF9, FF13, FF14, H3, N2, Attachment 2 and Attachment 4 of permit No. DA 2010/19 because they detail requirements that have been fulfilled and/or are no longer required.
- 5 It is necessary to add "Emergency Response Plan", "Environmental Management Plan - Operations", "Decommissioning and Rehabilitation Plan", "Eagle Nest Productivity (in and around wind farm site) Monitoring Plan", "Eagle Mortality Offset Plan", "Bird and Bat

Mortality Monitoring Plan", and "Hunting and Culling Management Plan" to the definitions to reflect that these plans have been submitted and approved.

- 6** It is necessary to vary and/or consolidate conditions G9, DC2, FF5, FF7, FF10 and FF15 to provide consistency between conditions and to require compliance with the submitted and approved plans.
- 7** It is necessary to change the regulatory limits to reflect the reduced size and scale of the project.
- 8** It is desirable to add a condition requiring notification to the Director prior to the change in responsible person for the activity so that the Director is aware of changes to the person responsible for environmental management of the activity.
- 9** It is necessary to add a condition requiring a Collision Avoidance Detection Plan to be submitted describing the implementation of a collision avoidance and detection system to monitor eagle movements and prevent collisions with turbines.
- 10** It is necessary to vary condition FF11 to align Commonwealth and State incident reporting timeframes and to reflect the notification requirements for injured or dead bird or bat species that are listed as Threatened Species.
- 11** It is necessary to add a condition requiring management of the activity during temporary suspended operations.
- 12** It is necessary to add a condition requiring adequate management of stormwater to prevent environmental harm and/or nuisance being caused by stormwater leaving The Land.
- 13** It is necessary to add a condition to allow the Director to resolve any deficiencies associated with plans and reports submitted pursuant to these conditions.

## DEFINITIONS

Unless the contrary appears, words and expressions used in this Notice have the meaning given to them in Schedule 1 of this Notice and in the EMPCA. If there is any inconsistency between a definition in the EMPCA and a definition in this Notice, the EMPCA prevails to the extent of the inconsistency.

## REQUIREMENTS

The person responsible for the activity must comply with the varied permit conditions as set out in Schedule 2 of this Notice.

## INFORMATION

Attention is drawn to **Schedule 3**, which contains important additional information.

## PENALTIES

If a person bound by an environment protection notice contravenes a requirement of the notice, that person is guilty of an offence and is liable on summary conviction to a penalty not exceeding 1000 penalty units in the case of a body corporate or 500 penalty units in any other case (at the time of issuance of this Notice one penalty unit is equal to \$195.00).

## NOTICE TAKES EFFECT

**This notice takes effect on the date on which it is served upon you.**

## APPEAL RIGHTS

You may appeal to the Appeal Tribunal against this notice, or against any requirement contained in this notice, within fourteen days from the date on which the notice is served. The Appeal Tribunal contact details are:

Registry  
Tasmanian Civil & Administrative Tribunal  
GPO Box 1311  
Hobart TAS 7001

Phone: 1800 657 500  
Email: [resourceplanning@tascat.tas.gov.au](mailto:resourceplanning@tascat.tas.gov.au)

Signed: \_\_\_\_\_



DELEGATE FOR THE DIRECTOR, ENVIRONMENT PROTECTION AUTHORITY

Date: \_\_\_\_\_

12 June 2024



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***Attachments***

Attachment 1: The Land (modified: 08/02/2024 17:07)..... 1 page

Attachment 2: Known Eagle Nests (modified: 08/02/2024 17:07)..... 1 page

Attachment 3: Mortality Table (modified: 22/04/2024 13:36)..... 1 page

## Schedule 1: Definitions

**Aboriginal Relic** has the meaning described in section 2(3) of the *Aboriginal Heritage Act 1975*.

**active Wedge-tailed eagle nest or White-bellied Sea-eagle nest** means a nest utilised by a Wedge-tailed eagle or White-bellied Sea eagle in any given breeding period.

**Activity** means any environmentally relevant activity (as defined in Section 3 of EMPCA) to which this document relates, and includes more than one such activity.

**Authorized Officer** means an authorized officer under section 20 of EMPCA.

**Best Practice Environmental Management** or 'BPEM' has the meaning described in Section 4 of EMPCA.

**Bird and Bat Mortality Monitoring Plan** means the document titled *Cattle Hill Wind Farm Bird and Bat Mortality Monitoring Plan* dated 25 March 2019, prepared by Joule Logic Pty Ltd, as may be amended from time to time with written approval from the Director.

**Board** means the Board of the Environment Protection Authority established under Section 13 of EMPCA and includes a person authorised in writing by the Board to exercise a power or function on its behalf.

**Collision Avoidance and Detection Plan** means the document titled *Cattle Hill Wind Farm Collision Avoidance and Detection Plan* dated 22 May 2018, prepared by Joule Logic, as may be amended from time to time with written approval of the Minister.

**Commissioning** means the testing of turbines and is taken to be completed when 90% of the turbines are being operated in the course of normal commercial operations.

**Conservation Covenant** means a Conservation Covenant entered into under part 5 of the *Nature Conservation Act 2002*.

**Construction** means any preparatory works required to be undertaken including clearing vegetation, the erection of any onsite temporary structures and the use of heavy duty equipment for the purpose of breaking the ground for buildings or infrastructure. Commencement of construction means the date these activities commence. Construction excludes ongoing land and vegetation use and management not associated with the project and pre-construction activities.

**Controlled Waste** has the meaning described in Section 3(1) of EMPCA.

**daylight hours** means the period of time 30 minutes before sunset and 30 minutes after sunrise.

**Decommissioning and Rehabilitation Plan** means the document titled *Cattle Hill Wind Farm Decommissioning and Rehabilitation Plan* dated 5 July 2022, prepared by Goldwind Australia, as may be amended from time to time with written approval from the Director.

**Director** means the Director, Environment Protection Authority holding office under Section 18 of EMPCA and includes a delegate or person authorised in writing by the Director to exercise a power or function on the Director's behalf.

**DRP** means Decommissioning and Rehabilitation Plan.

**Eagle Mortality Offset Plan** means the document titled *Cattle Hill Wind Farm Eagle Mortality Offset Plan* dated 6 December 2018, prepared by Joule Logic Pty Ltd, as may be amended from time to time with written approval from the Director.

**Eagle Nest Productivity (in and around wind farm site) Monitoring Plan** means the document titled *Cattle Hill Wind Farm Eagle Nest Productivity Plan* dated 29 September 2017, prepared by Joule Logic Pty Ltd, as may be amended from time to time with written approval from the Director.

**Emergency Response Plan** means the document titled *Cattle Hill Wind Farm Emergency Response Plan* dated 10 January 2020, prepared by Goldwind Australia Pty Ltd, as may be amended from time to time with written approval from the Director, and prepared in consultation with the Director, State Emergency Service and Tasmanian Fire Service.

**EMPCA** means the *Environmental Management and Pollution Control Act 1994*.

**Environmental Harm** and **Material Environmental Harm** and **Serious Environmental Harm** each have the meanings ascribed to them in Section 5 of EMPCA.

**Environmental Management Plan - Operations** means the document titled *Cattle Hill Wind Farm Environmental Management Plan - Operations* dated 8 July 2019, prepared by Goldwind Australia Pty Ltd, as may be amended from time to time with written approval from the Director.

**Environmental Nuisance** has the meaning ascribed to it in Section 3 of EMPCA.

**Environmentally Hazardous Material** means any substance or mixture of substances of a nature or held in quantities which present a reasonably foreseeable risk of causing serious or material environmental harm if released to the environment and includes fuels, oils, waste and chemicals but excludes sewage.

**EPA Board** means the Board of the Environment Protection Authority established under section 13 of EMPCA and includes a delegate or person authorised in writing by the EPA Board to exercise a power or function on the EPA Board's behalf.

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

**New Wedge-tailed Eagle nest or White-bellied Sea-eagle nest** means a Wedge-tailed Eagle or White-bellied Sea-eagle nest that was not known at the time the layout was finalised in the *Cattle Hill Wind Farm Design Report 2017* and further defined at Attachment 2.

**Person Responsible** is any person who is or was responsible for the environmentally relevant activity to which this document relates and includes the officers, employees, contractors, joint venture partners and agents of that person, and includes a body corporate.

**Planning Authority** means the Council(s) for the municipal area(s) in which The Land is situated.

**Pollutant** has the meaning ascribed to it in Section 3 of EMPCA.

**Post-Commissioning Eagle Utilisation Monitoring Plan** means the document titled *Cattle Hill Wind Farm Post-Commissioning Eagle Utilisation Monitoring Plan Revision* dated 31 January 2018, prepared by Joule Logic Pty Ltd, as may be amended from time to time with written approval from the Director.

**Reporting Period** means the 12 months ending on 30 June each year.

**Stormwater** means water runoff as a consequence of a rainfall event, whether surface flow, piped flow, or flow within conduits, including any contaminants collected by the water during its passage.

**The Land** means the land on which the activity to which this document relates may be carried out, and includes: buildings and other structures permanently fixed to the land, any part of the land covered with water, and any water covering the land. The Land includes part or all of the following property titles:

- 1 135246/1; 29897/1; 29897/3; 29897/5; 248810/1; 135247/1; 135247/2; 29888/4; and 29897/6.
- 2 as further delineated at Attachment 1.

**Vegetation Management Agreement** means an agreement made under Part 5 of the *Land Use Planning and Approvals Act 1993*.

**Waste** has the meaning ascribed to it in Section 3 of EMPCA.

**Wedge-Tailed Eagle** means *Aquila audax fleayi*.

**White-Bellied Sea-Eagle** means *Haliaeetus leucogaster*.



## Schedule 2: Conditions

### Maximum Quantities

#### **Q1 Regulatory limits**

- 1 The activity must not exceed the following limits :
  - 1.1 150 megawatts of generating capacity
  - 1.2 49 turbines within the area of The Land.

### General

#### **G1 Access to and awareness of conditions and associated documents**

A copy of these conditions and any associated documents referred to in these conditions must be held in a location that is known to and accessible to the person responsible for the activity. The person responsible for the activity must ensure that all persons who are responsible for undertaking work on The Land, including contractors and sub-contractors, are familiar with these conditions to the extent relevant to their work.

#### **G2 Incident response**

If an incident causing or threatening environmental nuisance, serious environmental harm or material environmental harm from pollution occurs in the course of the activity, then the person responsible for the activity must immediately take all reasonable and practicable action to minimise any adverse environmental effects from the incident.

#### **G3 Proposed change to activity**

- 1 The person responsible must notify the Director in writing prior to implementing any change to the activity authorised by this document that may cause or increase the emission of a pollutant or which may result in environmental harm or environmental nuisance (even temporarily). A change includes, but is not limited to, any of the following:
  - 1.1 an increase in the discharge of a pollutant, or the location of its discharge.
  - 1.2 the construction, installation, alteration or removal of any structure or equipment used in the course of carrying out the activity.
  - 1.3 any clearance of native vegetation or earthworks.
  - 1.4 a change in the quantity or characteristics of materials used in carrying out the activity.
- 2 The notification must be in an approved form and include the following:
  - 2.1 details of the proposed change;
  - 2.2 an assessment of the environmental impacts that may result from the change;
  - 2.3 any relevant approvals held by the person responsible; and
  - 2.4 any advice from the relevant planning authority to the effect that approval is not required.
- 3 The person responsible must provide additional information as requested by an Authorized Officer.
- 4 The proposed change must not be implemented until the Director has confirmed in writing that they are satisfied that no other approval or variation of this document is required.

- 5 For the avoidance of doubt, a notification of a proposed change under this provision is not required if the proposed change is part of a referral to the EPA Board for assessment under sections 24, 25 or 27 of EMPCA.

**G4 Change of ownership**

If the owner of The Land upon which the activity is carried out changes or is to change, then, as soon as reasonably practicable but no later than 30 days after becoming aware of the change or intended change in the ownership of The Land, the person responsible must notify the Director in writing of the change or intended change of ownership.

**G5 Change of responsibility**

If the person responsible for the activity intends to cease to be responsible for the activity, that person must notify the Director in writing of the full particulars of any person who will become the person responsible for the activity, before such cessation.

**G6 Complaints register**

- 1 A public complaints register must be maintained. The public complaints register must, as a minimum, record the following detail in relation to each complaint received in which it is alleged that environmental harm (including an environmental nuisance) has been caused by the activity:
  - 1.1 the date and time at which the complaint was received;
  - 1.2 contact details for the complainant (where provided);
  - 1.3 the subject matter of the complaint;
  - 1.4 any investigations undertaken with regard to the complaint; and
  - 1.5 the manner in which the complaint was resolved, including any mitigation measures implemented.
- 2 Complaint records must be maintained for a period of at least 3 years.

**G7 Emergency Response Plan**

Unless otherwise approved in writing by the Director, the person responsible must act in accordance with the approved Emergency Response Plan, as may be amended from time to time with written approval from the Director.

**G8 Annual Environmental Review**

- 1 Unless otherwise specified in writing by the Director, a publicly available Annual Environmental Review for the activity must be submitted to the Director each year within three months of the end of the reporting period. Without limitation, each Annual Environmental Review must include the following information:
  - 1.1 a statement by the General Manager, Chief Executive Officer or equivalent for the activity acknowledging the contents of the Annual Environmental Review;
  - 1.2 subject to the *Personal Information Protection Act 2004*, a list of all complaints received from the public during the reporting period concerning actual or potential environmental harm or environmental nuisance caused by the activity and a description of any actions taken as a result of those complaints;
  - 1.3 details of environment-related procedural or process changes that have been implemented during the reporting period;
  - 1.4 a summary of the amounts (tonnes or litres) of both solid and liquid wastes produced and treatment methods implemented during the reporting period. Initiatives or programs planned to avoid, minimise, re-use, or recycle such wastes over the next reporting period should be detailed;

- 1.5 details of all non-trivial environmental incidents and/or incidents of non compliance with these conditions that occurred during the reporting period, and any mitigative or preventative actions that have resulted from such incidents;
- 1.6 a summary of the monitoring data and record keeping required by these conditions. This information should be presented in graphical form where possible, including comparison with the results of at least the preceding reporting period. Special causes and system changes that have impacted on the parameters monitored must be noted. Explanation of significant deviations between actual results and any predictions made in previous reports must be provided;
- 1.7 identification of breaches of limits specified in these conditions and significant variations from predicted results contained in any relevant DPEMP or EMP, an explanation of why each identified breach of specified limits or variation from predictions occurred and details of the actions taken in response to each identified breach of limits or variance from predictions;
- 1.8 a list of any issues, not discussed elsewhere in the report, that must be addressed to improve compliance with these conditions, and the actions that are proposed to address any such issues;
- 1.9 a summary of fulfilment of environmental commitments made for the reporting period. This summary must include indication of results of the actions implemented and explanation of any failures to achieve such commitments; and
- 1.10 a summary of any community consultation and communication undertaken during the reporting period.

#### **G9 Environmental Management Plan and review thereof**

- 1 Unless otherwise approved in writing by the Director, the activity must be carried out in accordance with the approved Environmental Management Plan - Operations (EMP Operations).
- 2 A revised EMP Operations for the activity must be submitted to the Director for approval every 3 years, or by a date otherwise specified in writing by the Director. Without limitation, the EMP Operations must:
  - 2.1 include a statement by the General Manager, Chief Executive Officer or equivalent for the activity acknowledging the contents of the EMP Operations;
  - 2.2 detail the potential environmental impacts arising from the ongoing operation of the activity over the next 3 years, including a strategic consideration of potential changes to the activity during that period and consideration of opportunities to implement continuous improvement;
  - 2.3 separately identify specific commitments, with actions and timeframes, to mitigate or prevent the identified potential environmental impacts. In preparing the EMP Operations the person responsible must take into account the contents of any previous annual environmental reviews including complaints, incidents and monitoring data; and
  - 2.4 if the Director issues guidelines for preparation of the EMP Operations review, address the matters listed in those guidelines.

#### **G10 Amendment of required plans and reports**

- 1 The plans and reports required by these conditions must be amended to address any matter required by the Director, as advised by notice in writing.
- 2 Amended plans and reports must be resubmitted within the timeframe that the Director specifies.

## **Atmospheric**

### **A1 Control of dust emissions**

Dust emissions from The Land must be controlled to the extent necessary to prevent environmental nuisance beyond the boundary of The Land.

## **Decommissioning And Rehabilitation**

### **DC1 Notification of cessation**

Within 30 days of becoming aware of any event or decision which is likely to give rise to the permanent cessation of the activity, the person responsible for the activity must notify the Director in writing of that event or decision. The notice must specify the date upon which the activity is expected to cease or has ceased.

### **DC2 Decommissioning and Rehabilitation Plan**

- 1** Unless otherwise approved in writing by the Director, a revised Decommissioning and Rehabilitation Plan (DRP) must be submitted to the Director for approval:
  - 1.1** every 5 years;
  - 1.2** when changes to the conduct of the activity are to occur that will result in significant changes to decommissioning and rehabilitation obligations; or
  - 1.3** within 30 days of the Director being notified of the likely cessation of operations.
- 2** The DRP must be prepared in accordance with guidelines issued by the Director. If no guidelines have been issued by the Director the measures described in this plan must include, but should not necessarily be limited to, the following:
  - 2.1** identification of the Forest Practices Plan(s) and/or Vegetation Management Agreement(s) which may be necessary to authorise the destruction or modification of any threatened native vegetation community or threatened flora;
  - 2.2** completion of a site history, site contamination assessment and contamination remediation plan (including consideration of groundwater);
  - 2.3** removal of all equipment, structures and waste materials unless they are considered by the Director to be beneficial to a future use of The Land;
  - 2.4** grading and levelling/recontouring and revegetating (or other approved method of soil stabilisation) of the surface of the disturbed area;
  - 2.5** management of drainage on The Land so as to reduce erosion and prevent release of a pollutant from The Land;
  - 2.6** maintenance of the rehabilitated area for a period of not less than three years from the date of cessation of operations;
  - 2.7** an itemised estimate of the costs of carrying out the works listed in the DRP and a statement of how these costs will be provided for; and
  - 2.8** any other detail requested in writing by the Director.

### **DC3 Implementation of the DRP**

Following permanent cessation of the activity, the decommissioning of the activity and the rehabilitation of The Land must be carried out in accordance with the most recent Decommissioning and Rehabilitation Plan (DRP) approved by the Director, as may be amended from time to time with written approval of the Director.

**DC4 Temporary suspension of activity**

- 1 Within 30 days of becoming aware of any event or decision which is likely to give rise to the temporary suspension of the activity, the person responsible for the activity must notify the Director in writing of that event or decision. The notice must specify the date upon which the activity is expected to suspend or has suspended.
- 2 During temporary suspension of the activity:
  - 2.1 The Land must be managed and monitored by the person responsible for the activity to ensure that emissions from The Land do not cause serious environmental harm, material environmental harm or environmental nuisance; and
  - 2.2 If required by the Director a Care and Maintenance Plan for the activity must be submitted, by a date specified in writing by the Director, for approval. The person responsible must implement the approved Care and Maintenance Plan, as may be amended from time to time with written approval of the Director.
- 3 Unless otherwise approved in writing by the Director, if the activity on The Land has substantially ceased for 2 years or more, rehabilitation of The Land must be carried out in accordance with the requirements of these conditions as if the activity has permanently ceased.

**Effluent Disposal****E1 Stormwater**

- 1 Polluted stormwater that will be discharged from The Land must be collected and treated prior to discharge to the extent necessary to prevent serious or material environmental harm, or environmental nuisance.
- 2 Notwithstanding the above, all stormwater that is discharged from The Land must not carry pollutants such as sediment, oil and grease in quantities or concentrations that are likely to degrade the visual quality of any receiving waters outside The Land.
- 3 All reasonable measures must be implemented to ensure that solids entrained in stormwater are retained on The Land. Such measures may include appropriately sized and maintained sediment settling ponds or detention basins.

**Flora And Fauna****FF1 Exclusion zones - nests**

- 1 Unless otherwise approved in writing by the Director, wind turbines and/or related infrastructure must not be located within 1,000 metres of any known Wedge-tailed Eagle nest or any known White-bellied Sea-eagle nest.
- 2 Unless otherwise approved in writing by the Director, if a new Wedge-tailed Eagle nest or White-bellied Sea-eagle nest is established during the life of the wind farm, all turbines located within 1,000 metres of the nest must be shut down during the times and seasons specified by the Director. Such times and seasons (if any) will be determined by the Director after full consultation with the person responsible having regard to the use of that nest and the Director's assessment of any increased collision risk presented by the presence of that nest.
- 3 Unless otherwise approved in writing by the Director, construction activities or maintenance activities which last for a continuous period of greater than 30 minutes, or construction activities or maintenance activities which last for more than a total period of 60 minutes within a 24 hour period, must not occur during the period from 1 August to 1 February inclusive within:

- 3.1 1,000 metres of an active Wedge-tailed eagle nest or White-bellied Sea-eagle nest if the construction activities or maintenance activities are in line-of-site of the nest; or
- 3.2 500 metres of an active Wedge-tailed eagle nest or White-bellied Sea-eagle nest if the construction activities or maintenance activities are not in line-of-sight of the nest.

**FF2 Discovery of bird mortalities due to collisions with wind turbines**

The person responsible for the activity must make all reasonable efforts to discover evidence of native bird or bat collisions with wind turbines throughout the wind farm as soon as they occur.

**FF3 Collision Avoidance and Detection Plan**

- 1 Within 30 days of the date on which these conditions take effect, or by a date otherwise specified in writing by the Director, a Collision Avoidance and Detection Plan containing details of the collision avoidance and detection system implemented (including technologies installed and practices undertaken) for monitoring Wedge-tailed Eagle and White-bellied Sea-eagle movements, preventing Wedge-tailed Eagle and White-bellied Sea-eagle collisions with turbines and recording collisions.
- 2 The most recent version of the Plan must be submitted to the Director in the Annual Environmental Review.

**FF4 Notification requirements**

- 1 The Director must be notified of any evidence of dead or injured native birds or bats listed under the *Threatened Species Protection Act 1995* found on The Land within 24 hours of the discovery of such evidence.
- 2 Within 10 days of notification, an incident report must be submitted to the Director. The report must include the following:
  - 2.1 unique identification number;
  - 2.2 general description of evidence;
  - 2.3 species identification;
  - 2.4 sex and estimated age (if known);
  - 2.5 date and time of discovery;
  - 2.6 estimated date and time of incident;
  - 2.7 estimate of general weather conditions at time of incident;
  - 2.8 position of evidence relative to infrastructure;
  - 2.9 photograph of evidence; and
  - 2.10 any other relevant information.



**FF5 Mitigation Measures**

- 1 If the Director forms a view on the basis of available evidence that the total number of eagle mortalities exceeds the number shown in the table in Attachment 3 for that year, the person responsible must provide a written plan outlining the measures to be taken to further reduce the risk of eagle mortalities and setting out the timing of the implementation of those measures. The plan is to be provided to the Director within 90 days of the Director's notification to the person responsible of his or her forming a view that excessive mortalities have occurred. If after that 90-day period the Director is not satisfied that the plan is likely to sufficiently reduce mortalities, or that the plan is being adequately implemented, all turbines which, on the basis of available evidence, are considered by the Director to have been responsible for a collision must be shut down throughout daylight hours immediately upon notification by the Director until the number of mortalities no longer exceeds the number shown in the table in Attachment 3 or until otherwise approved in writing by the Director.
- 2 Until otherwise approved in writing by the Director:
  - 2.1 if the Director forms a view on the basis of available evidence that any individual turbine is responsible for 2 eagle collisions over a period of 5 years and that this is likely to be indicative of an elevated risk of eagle collisions for that turbine, the person responsible must take all reasonable and practical measures to ensure that the turbine is not responsible for an additional mortality;
  - 2.2 if the Director forms a view on the basis of available evidence that any individual turbine is responsible for 3 eagle collisions over a period of 10 years and that this is likely to be indicative of an elevated risk of eagle collisions for that turbine, that turbine must be shut down throughout daylight hours.
- 3 Mitigation measures (which may include suspension of the operation of some or all wind turbines) must be implemented as required by the Director if the Director forms a view on the basis of available evidence that:
  - 3.1 avian mortality rates as a result of the activity are in excess of that predicted in the DPEMP; or
  - 3.2 avian mortality rates have had, or are likely to have, a significant impact on any avian species; or
  - 3.3 there exists any increased risk factor that has had, or is likely to have, a significant impact on any avian species.
- 4 Any individual turbine shutdown based on the requirements of this condition may only recommence operation throughout daylight hours with the written approval of the Director.

**FF6 Operational requirements**

- 1 Unless otherwise approved in writing by the Director, the person responsible must act in accordance with the approved:
  - 1.1 Eagle Mortality Offset Plan;
  - 1.2 Bird and Bat Mortality Monitoring Plan;
  - 1.3 Eagle Nest Productivity (in and around wind farm site) Monitoring Plan; and
  - 1.4 Hunting and Culling Management Plan.
- 2 Any revisions to the plans listed in Condition FF6(1) must be prepared in consultation with and approved in writing by the Director.

## **Hazardous Substances**

### **H1 Storage and handling of hazardous materials**

Unless otherwise approved in writing by the Director, environmentally hazardous material held on The Land, including chemicals, fuels and oils, must be located within impervious bunded areas or spill trays which are designed to contain at least 110% of the total volume of material.

### **H2 Spill kits**

Spill kits appropriate for the types and volumes of materials handled on The Land must be kept in appropriate locations to assist with the containment of spilt environmentally hazardous materials.

### **H3 Inventory of hazardous materials**

An inventory must be kept of all environmentally hazardous materials stored and handled on The Land. The inventory must specify the location of storage facilities and the maximum quantities of each environmentally hazardous material likely to be kept in storage and must include material safety data sheets for those environmentally hazardous materials.

## **Noise Control**

### **N1 Noise complaints**

In the event that a noise complaint is received in relation to the activity, the person responsible must report the complaint to the Director before the end of the next working day.

## **Waste Management**

### **WM1 Controlled waste transport**

Transport of controlled wastes to and from The Land must be undertaken only by persons authorised to do so under EMPCA or subordinate legislation.



### Schedule 3: Information

#### Legal Obligations

##### **LO1 EMPCA**

The activity must be conducted in accordance with the requirements of the *Environmental Management and Pollution Control Act 1994* and Regulations thereunder. The conditions of this document must not be construed as an exemption from any of those requirements.

##### **LO2 Storage and handling of dangerous goods, explosives and dangerous substances**

- 1 The storage, handling and transport of dangerous goods, explosives and dangerous substances must comply with the requirements of relevant State Acts and any regulations thereunder, including:

- 1.1 *Work Health and Safety Act 2012* and subordinate regulations;

- 1.2 *Explosives Act 2012* and subordinate regulations; and

- 1.3 *Dangerous Goods (Road and Rail Transport) Act 2010* and subordinate regulations.

##### **LO3 Aboriginal relics requirements**

- 1 Aboriginal relics, objects, sites, places and human remains regardless of whether they are located on public or private land, are protected under the *Aboriginal Heritage Act 1975*.
- 2 Unanticipated discoveries of Aboriginal heritage must be reported to Aboriginal Heritage Tasmania on **1300 487 045** as soon as possible.

#### Other Information

##### **OI1 Waste management hierarchy**

- 1 Wastes should be managed in accordance with the following hierarchy of waste management:
  - 1.1 waste should be minimised, that is, the generation of waste must be reduced to the maximum extent that is reasonable and practicable, having regard to best practice environmental management;
  - 1.2 waste should be re-used or recycled to the maximum extent that is practicable; and
  - 1.3 waste that cannot be re-used or recycled must be disposed of at a waste depot site or treatment facility that has been approved in writing by the relevant planning authority or the Director to receive such waste, or otherwise in a manner approved in writing by the Director.

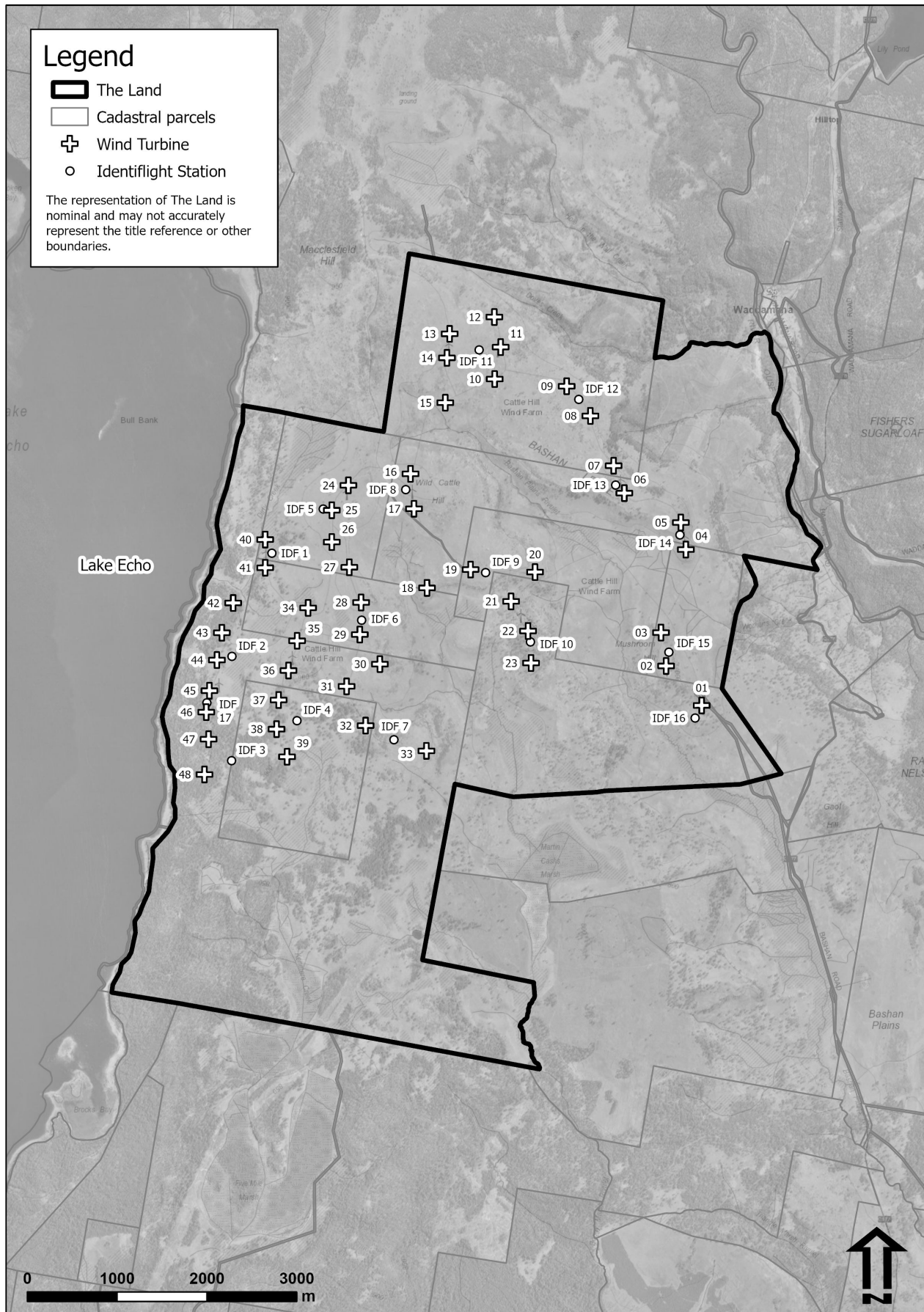
##### **OI2 Notification of incidents under section 32 of EMPCA**

Where a person is required by section 32 of EMPCA to notify the Director of the release of a pollutant, the Director can be notified by telephoning **1800 005 171** (a 24-hour emergency telephone number).

##### **OI3 Release of Relevant Information**

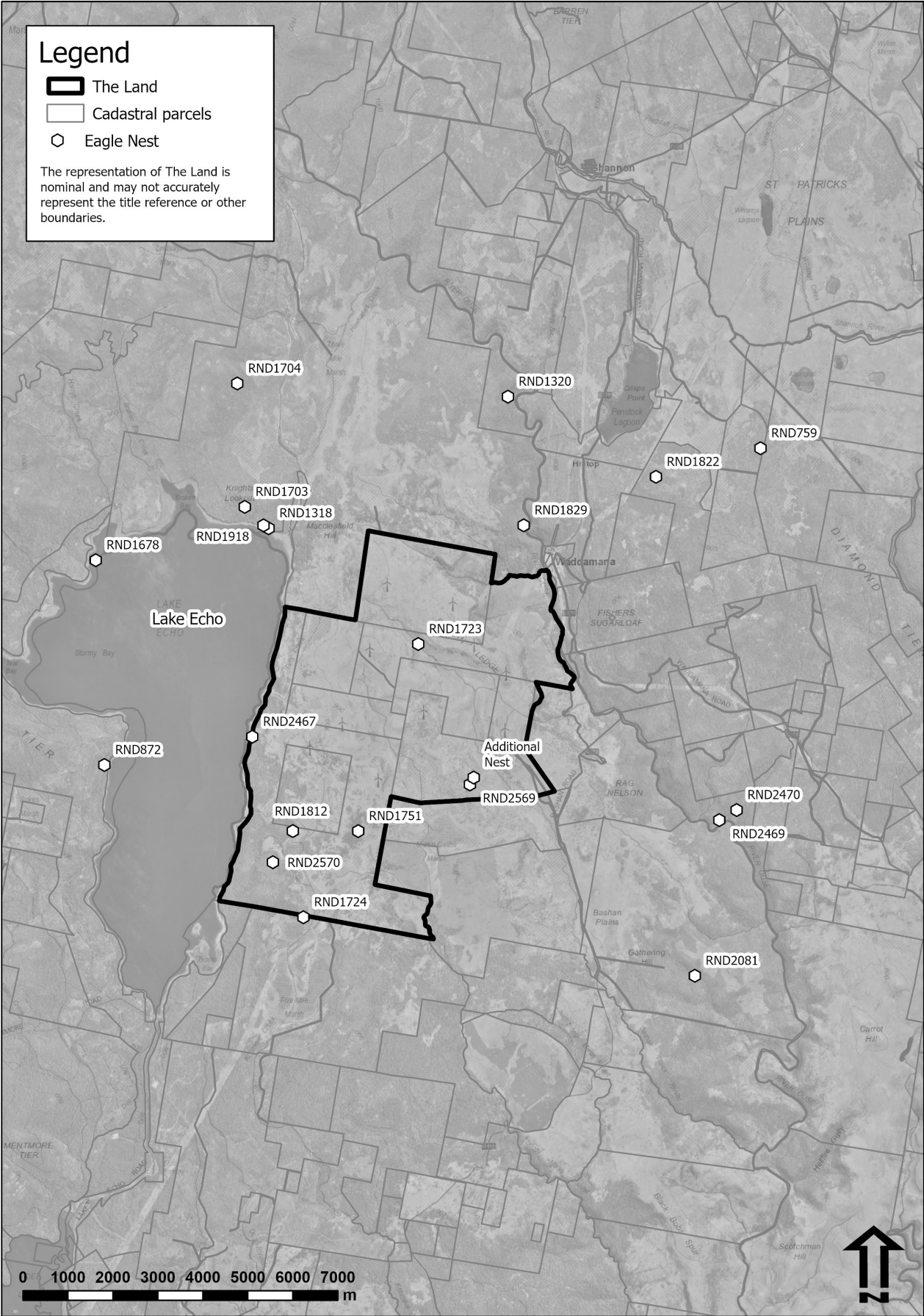
Under the provisions of Section 23AA of EMPCA relevant information relating to monitoring of environmental impacts required under these conditions may be subject to publishing or public release by the Director.

DELEGATE FOR THE DIRECTOR, ENVIRONMENT PROTECTION AUTHORITY *7. Oliver* Date of issue: 12 June 2024





# Attachment 2: Known Eagle Nests



### Cattle Hill draft permit conditions – Attachment 3

Year	Estimated maximum cumulative mortalities at end of year
1	5
2	8
3	11
4	13
5	16
6	18
7	20
8	23
9	25
10	27
11	29
12	31
13	34
14	36
15	38
16	40
17	42
18	44
19	46
20	48
21	51
22	53
23	55
24	57
25	59

This table is derived from the discretised mortality effects table provided in Appendix I of DPEMP for an average annual mortality of 2.1 eagles. The value in the “maximum cumulative mortality” column is derived by interpolation from the table at the 90% probability level. This means that, for an average annual mortality of 2.1 eagles, the predicted cumulative mortalities are less than this level 90% of the time.

*30/1/24*