



Australian Government

Department of the Environment, Water, Heritage and the Arts

Mr Sedat Erol
Developer
Renewable Energy Systems Australia Pty
Ltd
Level 2, 39 Hume Street
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Date: 25 June 2010
EPBC Ref: 2008/4503
EPBC contact: Erik Van Wijk
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Decision on reconsideration of referral Ararat Wind Farm, Victoria (EPBC 2008/4503)

I am writing to advise the outcome of my reconsideration of the above proposal pursuant to section 78 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The Australian Government's responsibilities under the EPBC Act in relation to proposals such as the Ararat Wind Farm, focus on the protection of certain defined matters of national environmental significance (NES). These matters include world and national heritage properties, wetlands of international importance, nationally threatened species and ecological communities, migratory species, nuclear actions, Commonwealth marine areas and the Great Barrier Reef Marine Park.

On 3 December 2008 the proposal was determined 'not a controlled action', and therefore did not require approval under the EPBC Act. The Department has since received a request for reconsideration of the original decision under section 78A of the EPBC Act. In accordance with section 78B of the EPBC Act, the request was made available for public comment and comment was also invited from relevant state agencies.

I have carefully considered all the information received relevant to the impacts that the proposed action will have, or is likely to have, on matters protected under the EPBC Act. I have decided to confirm the original decision that the proposed action is not a controlled action. This means that the proposed development can proceed without further assessment and approval under the EPBC Act.

In making this decision, I have taken into account the information provided in the reconsideration request. I have also taken into account the comments provided by Brett Lane and Associates on your behalf (letter dated 20 May 2010 and email dated 15 June 2010).

Section 78 of the EPBC Act provides for the revocation and substitution of a new decision in the event that substantial new information becomes available about the potential impacts of an action on matters of NES.

In this case, I determined that the information provided in the reconsideration request could not be considered to be substantial new information, and therefore, a reconsideration of the original referral determination is not warranted. I considered that the information provided was not substantial new information because it does not demonstrate that there is a further impact upon a matter of NES that was not considered at the time the original section 75 decision was made.

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

Yours sincerely

Michelle Wicks
Assistant Secretary
Environment Assessment Branch



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**Notification of
RECONSIDERATION DECISION – not a controlled action**

Ararat Wind Farm, VIC EPBC 2008/4503

This decision is made under Section 78C of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The decision of 3 December 2008 that the proposed action is not a controlled action is confirmed in accordance with Section 78C of the EPBC Act.

Proposed action

person named in the referral Renewable Energy Systems Australia Pty. Ltd.

proposed action To construct and operate the Ararat Wind Farm and associated on-site infrastructure, and as described in the referral submitted on 8 October 2008.

Reconsideration decision: Not a controlled action

status of proposed action The proposed action is not a controlled action.

Person authorised to make decision

Name and position Michelle Wicks
Assistant Secretary
Environment Assessment Branch

signature

date of decision 25 June 2010
