

**DETERMINATION OF A DEVELOPMENT APPLICATION FOR STATE SIGNIFICANT, DESIGNATED
AND INTEGRATED DEVELOPMENT UNDER SECTION 80 OF
THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

I, the Minister for Infrastructure and Planning, under Section 80 of the *Environmental Planning and Assessment Act 1979* ("the Act"), determine the development application ("the Application") referred to in Schedule 1 by granting consent subject to the conditions set out in Schedule 2.

The reason for the imposition of conditions is to:

- (i) Prevent, minimise, and/or offset adverse environmental impacts;
- (ii) Set standards and performance measures, and mechanisms to set such standards and performance measures for acceptable environmental performance;
- (iii) Require regular monitoring and reporting; and
- (iv) Provide for the on-going environmental management of the development.

Craig Knowles MP
Minister for Infrastructure and Planning
Minister for Natural Resources

Sydney

10 June 2005

File No. S03/03276/Z Pt 1

SCHEDULE 1

Development Application:	DA-176-8-2004-i.
Applicant:	Crookwell Development Pty Ltd, or any person carrying out the development approved under this consent ("the Applicant")
Consent Authority:	Minister for Planning ("the Minister")
Land:	The land defined in Appendix 1
Proposed Development:	Construction and operation of a wind farm consisting of 32 turbines, at a maximum height of 160 metres, and associated infrastructure.
State Significant Development	On 16 February 2004, in accordance to section 76A of the <i>Environmental Planning and Assessment Act, 1979</i> (the EP&A Act), the NSW Minister for Infrastructure and Planning declared that the proposal was to be assessed as State Significant (as a proposed wind farm of 60MW or greater capacity), by notice in the gazette.
Integrated Development:	The proposal is classified as integrated development, under Section 91 of the EP&A Act, because it requires additional approvals from the Environment Protection Authority and the Office of Environment and Heritage under the <i>Protection of the Environment Operations Act 1997</i> and the <i>National Parks and Wildlife Act 1974</i> , the Department of Planning and Environment under the <i>Rivers and Foreshores Improvement Act 1948</i> , the Roads and Maritime Services under the <i>Roads Act 1993</i> , and the Department of Industry , under the <i>Roads Act 1993</i> .
Designated Development:	The proposal is classified as designated development, under Clause 18(1)(c) of Schedule 3 of the <i>Environmental Planning & Assessment Regulation 2000</i> , because it constitutes an electricity generating station which will supply, or is capable of supplying more than 30MW of electrical power.
Lapsing of Consent	Under Section 95(2) of the Act, this consent lapses three (3) years after the date from which it operates.

Note:

- (1) To find out when this consent becomes effective, see Section 83 of the Act;
- (2) To find out about appeal rights, see Section 97 of the Act.

SCHEDULE 2

In this consent, except in so far as the context or subject-matter otherwise indicates or requires, the following terms have the meanings indicated:

Aboriginal stakeholders	Aboriginal stakeholders registered for cultural heritage consultation for the project
Act	<i>Environmental Planning and Assessment Act 1979</i>
Ancillary infrastructure	All wind farm infrastructure with the exception of wind turbines, including but not limited to collector substations, switching stations, permanent offices and site compounds, underground and overhead electricity transmission lines and internal roads
Applicant	Crookwell Development Pty Ltd, or any person carrying out the development approved under this consent
AHD	Australian Height Datum
BCA	Building Code of Australia
CASA	Civil Aviation Safety Authority
CIP	Community Information Plan
commissioning	commencement of testing and connection of any individual turbine(s) and may include concurrent ongoing construction activities
Conditions of Consent	The conditions set out in this Schedule
Consent	The Consent granted by the Minister for Planning to the development described in Schedule 1
CEMP	Construction Environmental Management Plan
Construction	Any activity requiring, and/or included in, a Construction Certificate, the laying of a slab or significant excavation work and/or earth moving works
Council	Upper Lachlan Shire Council
Crookwell Road	State Road 54
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and public holidays
dB(A)	decibel (A-weighted scale)
Decommissioning	The removal of wind turbines and any associated above ground infrastructure
the Department development	NSW Department of Planning and Environment the development to which this consent applies, the scope of which is described in the documents listed under Condition 2 of this consent
DPI	Department of Primary Industries
dust	any solid material that may become suspended in air or deposited
EIS	Environmental Impact Statement entitled <i>Crookwell II Wind Farm Environmental Impact Statement</i> (three volumes) prepared by URS, dated July 2004
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation, 2000</i>
EPA	NSW Environment Protection Authority
EPL	Environment Protection Licence issued under the POEO Act
Evening	The period from 6pm to 10pm
Harm	Any direct or indirect alteration of the environment that has the effect of degrading the environment that involves actual or potential harm to ecosystems or the health or safety of human beings, that is not trivial

Heavy vehicle	As defined under the Heavy Vehicle National Law (NSW), but excluding light and medium rigid trucks and buses no more than 8 tonnes and with not more than 2 axles
Heritage item	An item as defined under the <i>Heritage Act 1977</i> and/or an Aboriginal Object or Aboriginal Place as defined under the NP&W Act
Incident	A set of circumstances that: <ul style="list-style-type: none">• causes or threatens to cause material harm to the environment; and/or• breaches or exceeds the limits or performance measures/criteria in this consent
L _{Aeq} (15-minute)	equivalent average sound pressure level that is measured over a 15 minute period
L _{A1} (1-minute)	equivalent average sound pressure level that is measured over a 1 minute period
Minimise	Implement all reasonable and feasible measures to mitigate the impacts of the project
Minister	NSW Minister for Planning, or delegate
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and NSW Public Holidays
NP&W Act	<i>National Parks & Wildlife Act, 1974</i>
OEH	Office of Environment and Heritage
OEMP	Operational Environmental Management Plan
Operation	Within three months of the commencement of commissioning, unless otherwise agreed to by the Secretary
Over-dimensional	Over-mass and/or over-size/length vehicles
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Premises	Sub-areas of the site, as consistent with the relevant EPA licence.
Principal Certifying Authority	the Minister or an accredited certifier, appointed under section 109E of the Act, to issue a Part 4A Certificate as provided under section 109C of the Act
Public infrastructure	Linear and related infrastructure that provides services to the general public, such as roads, railways, water supply, drainage, sewerage, gas supply, electricity, telephone, telecommunications
Reasonable and feasible	Consideration of best practice taking into account the benefit of proposed measures and their technological and associated operational application in the NSW and Australian context. Feasible relates to engineering considerations and what is practical to build or implement. Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
Relevant Government Agencies	EPA, DPI, OEH, RMS, the Department
Residence	Any dwelling in existence at the date of this consent
RFS	Rural Fire Service
RMS	Roads and Maritime Services
Secretary	Secretary of the Department, or nominee
Shadow flicker	The flickering effect caused by the intermittent shading of the sun by the rotating blades of the wind turbines
Site	The land defined in Appendix 1

VPA

Wind turbine

Voluntary Planning Agreement

Turbines used for the generation of electricity by wind, including the tower, blades and associated components

GENERAL CONDITIONS

Obligation to Minimise Harm to the Environment

- 1 The Applicant must implement all practicable measures to prevent or minimise any harm to the environment that may result from the construction, commissioning, operation and decommissioning of the development.

Scope of Development

- 2 ¹The Applicant must carry out the development generally in accordance with the following documents:
 - (a) Development Application No. DA-176-8-2004-i; lodged with the Department of Infrastructure, Planning and Natural Resources on 2 August 2004;
 - (b) *Crookwell II Wind Farm Environmental Impact Statement* (three volumes) prepared by URS, dated July 2004
 - (c) *Proposed Crookwell II Wind Farm: Response to Department's Questions*, URS, dated 25 October 2004;
 - (d) *Crookwell II NIA Response to EPA Queries*, Richard Heggie Associates, dated 1 September 2004;
 - (e) *Crookwell II Response to EPA Queries and Concawe Verification Study*, Richard Heggie Associates, dated 10 September 2004;
 - (f) *Crookwell II NIA – Follow Up Response to EPA Queries*, Richard Heggie Associates, 22 September 2004;
 - (g) Email and documentation from TME Australia, entitled *Location A – Pejar Park Noise Acceptability Assessment Noise Agreement Turbines Removed*, and *Location M – Normaroo, Noise Acceptability Assessment Noise Agreement Turbines Removed*, dated 5 January 2005;
 - (h) *Crookwell II Wind Farm Additional Raptor Survey Assessment*, URS, 12 November 2004;
 - (i) *Crookwell II Wind Farm 8 Part Test – Swift Parrot (Iathamus discolor)*, URS, 15 November 2004;
 - (j) *Crookwell II Wind Farm Spring Reptiles Survey*, URS, 22 December 2004;
 - (k) *Results of an Early Summer Survey for Bats at the Proposed Crookwell 2 Wind Farm, Crookwell, NSW*, Glen Hoye, Fly By Night Bat Surveys Pty Ltd, January 2005;
 - (l) Memorandum from URS to Gamesa Energy Australia, *Crookwell II Wind Farm Shadow Flicker Assessment*, dated 16 December 2004;
 - (m) Email from Gamesa Energy Australia to the Department entitled *Fire Risk Issues – Crookwell II*, dated 22 December 2004;
 - (n) Memorandum from URS to Gamesa Energy Australia entitled *Crookwell II – Aerial Spraying*, dated 15 February 2005;
 - (o) Crookwell 2 Site Map, Revision 1, dated 03/03/05 by TME Australia Pty Ltd;
 - (p) **Modification Application 176-8-2004-MOD1 including Crookwell II Wind Farm Part 1 – Statement of Environmental Effects and Crookwell II Wind Farm Part 2 – Appendices prepared by Tract Consultants, dated January 2009 and Response to Submissions Received prepared by Tract Consultants, dated April 2009;**
 - (q) **Application to modify the development consent (Mod 2), including the Environmental Assessment prepared by Mecone and dated September 2016, and the associated Response to Submissions, dated June 2017; and**
 - (r) **Conditions of this Consent.**

¹ Incorporates EPA General Term of Approval (A1.1)

If there is any inconsistency between the Conditions of this Consent and a document listed above, the Conditions of this Consent must prevail to the extent of the inconsistency. If there is any inconsistency between documents listed above (other than the Conditions of this Consent) then the most recent document must prevail to the extent of the inconsistency.

- 2A The Applicant must comply with any reasonable requirement(s) of the Secretary arising from the Department's assessment of:
- (a) any strategies, plans, programs, reviews, audits, reports or correspondence that are submitted in accordance with this consent;
 - (b) any reports, reviews or audits commissioned by the Department regarding compliance with this consent; and
 - (c) the implementation of any actions or measures contained in these documents.

Wind Turbines

- 3 The Applicant may construct, operate and replace or upgrade as necessary up to 32 wind turbines.

Notes:

- To avoid any doubt, the Applicant does not require additional consent to replace or upgrade wind turbines over time, as long as the replacement or upgrade is carried out in accordance with the conditions of this consent.
- To identify the approved turbines, see the figure and corresponding GPS coordinates in Appendix 2.

Wind Turbine Height

- 4 No wind turbines may be greater than 160 metres in height (measured from above ground level to the blade tip).

Micro-siting Restrictions

- 5 The Applicant may micro-site the wind turbines and ancillary infrastructure without further approval provided:
- (a) no wind turbine is moved more than 50 metres from the relevant GPS coordinates in Appendix 2;
 - (b) turbines F48 and F50 are not moved closer to the residence "Pejar Park" from the relevant GPS coordinates in Appendix 2;
 - (c) wind turbines F3 and F4 are not moved closer to the western project boundary and associated woodland vegetation;
 - (d) wind turbine F24 is not moved closer north towards the project boundary and associated woodland vegetation;
 - (e) wind turbine F31 is not moved to the south-east towards the threatened ecological community;
 - (f) the wind turbines and ancillary infrastructure do not result in any additional impacts to heritage items; and
 - (g) the revised location of the wind turbine and/or ancillary infrastructure would not result in any noncompliance with the conditions of this consent.

Final Layout Plans

- 6 Prior to the erection of any wind turbine, the Applicant must submit detailed plans of the final layout of the development to the Secretary, including:
- (a) details on the micro-siting of any wind turbines and/or ancillary infrastructure;
 - (b) identification of impacted vegetation communities;

- (c) identification of impacted heritage items; and
- (d) the GPS coordinates of the final wind turbine locations.

Note: If the construction of the development is to be staged, then the provision of these plans may be staged.

Notification to Department

- 7 Prior to the erection of any wind turbine, commencement of operation and/or decommissioning of any wind turbine, the Applicant must notify the Department in writing of the date of commencement.

If the development is to be staged, then the Applicant must:

- (a) notify the Department in writing prior to the commencement of the relevant stage, and clearly identify the development that would be carried out during the relevant stage; and
- (b) inform the local community and the Community Consultation Committee about the proposed staging plans.

Structural Adequacy

- 8 The Applicant must ensure that:
- (a) the wind turbines are constructed in accordance with the relevant standards, including the structural design requirements of IEC 61400-1 Wind turbines – Part 1: Design Requirements (or equivalent); and
 - (b) all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA.

Notes:

- Under Part 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.

Demolition

- 9 The Applicant must ensure that all demolition work on site is carried out in accordance with *AS 2601-2001: The Demolition of Structures*, or its latest version.

Updating and Staging of Strategies, Plans or Programs

- 10 With the approval of the Secretary, the Applicant may submit any strategy, plan or program required by this consent on a progressive basis.

To ensure the strategies, plans or programs under the conditions of this consent are updated on a regular basis, the Applicant may at any time submit revised strategies, plans or programs to the Secretary for approval.

With agreement of the Secretary, the Applicant may prepare minor revisions to any strategy, plan or program without undertaking consultation with all the parties referred to under the relevant condition of this consent.

Notes:

- While any strategy, plan or program may be submitted on a progressive basis, the Applicant must ensure that the development being carried out on site is covered by suitable strategies, plans or programs at all times.

- *If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program must clearly describe the specific stage to which the strategy plan or program applies, the relationship of this stage to any future stages, and the trigger for updating the strategy, plan or program.*

Community Enhancement

- 11 From the date of the commencement of construction of any wind turbine, unless the Secretary agrees otherwise, the Applicant must maintain the VPA executed with Upper Lachlan Shire Council.

Note: The Applicant and Upper Lachlan Shire Council have executed a VPA for the development in accordance with Division 6 of Part 4 of the EP&A Act, following exhibition of the VPA. A copy of the terms of the VPA is provided in Appendix 3.

Statutory Requirements

- 12 The Applicant must ensure that all necessary licences, permits and approvals are obtained and kept up-to-date as required throughout the life of the development. No Condition of this Consent removes the obligation for the Applicant to obtain, renew or comply with such licences, permits or approvals.

Dispute Resolution

- 13 In the event that a dispute arises between the Applicant and Council or the Applicant and a public authority other than the Department, in relation to a specification or requirement applicable under this Consent, the matter must be referred by either party to the [Secretary](#), or if not resolved, to the Minister, whose determination of the dispute must be final and binding on all parties. For the purpose of this condition, "public authority" has the same meaning as provided under Section 4 of the Act.

Note: Section 121 of the *Environmental Planning and Assessment Act 1979* provides mechanisms for resolution of disputes between the Department, the [Secretary](#), councils and public authorities.

Provision and Protection of Public Infrastructure

- 14 The Applicant must:
- repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and
 - relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

Note: This condition does not apply to the upgrade and maintenance of the road network, which is expressly provided for in the conditions of this consent.

Compliance

General

- 15 The Applicant must be responsible for environmental impacts resulting from the actions of all persons on site, including contractors, subcontractors and visitors.

Pre-Construction Compliance Report

- 16 The Applicant must submit a Pre-Construction Compliance Report to the [Secretary](#) at least two weeks prior to the commencement of construction (or within a time agreed to by the [Secretary](#)). The Pre-Construction Compliance Report must include:
- (a) details of how the Conditions of Consent required to be addressed prior to construction have been complied with;
 - (b) details of when each relevant Condition of Consent was complied with, including submission dates of any required report and/or approval dates; and
 - (c) details of any approvals or licences required to be issued by relevant Government Agencies prior to the commencement of construction.

Pre-Operation Compliance Report

- 17 The Applicant must submit a Pre-Operation Compliance Report to the [Secretary](#) at least two weeks prior to the commencement of operation (or within a time agreed to by the [Secretary](#)). The Pre-Operation Compliance Report must include:
- (a) details of how the Conditions of Consent required to be addressed prior to commencement of operation have been complied with;
 - (b) details of when each relevant Condition of Consent was complied with, including submission dates of any required report and/or approval dates; and
 - (c) details of any approvals or licences required to be issued by relevant Government Agencies prior to the commencement of operation.

Construction Compliance Report

- 18 The Applicant must provide the [Secretary](#) with a *Construction Compliance Report*. The Environmental Representative must certify the adequacy of the report before it is submitted to the [Secretary](#). The *Construction Compliance Report* must address the first six months of construction and be submitted within six weeks of the end of that reporting period (or at any other time interval agreed to by the [Secretary](#)).

The *Construction Compliance Report* must include information on:

- (a) compliance with the CEMP and the Conditions of Consent;
- (b) compliance with any approvals or licences issued by relevant Government Agencies for Construction;
- (c) the implementation and effectiveness of environmental controls. The assessment of effectiveness should be based on a comparison of actual impacts against performance criteria identified in the CEMP;
- (d) a summary and analysis of environmental monitoring results;
- (e) the number and details of any complaints, including a summary of the main areas of complaint, action taken, response given and intended strategies to reduce recurring complaints;
- (f) details of any review and amendments to the CEMP resulting from construction during the reporting period; and
- (g) any other matter relating to compliance with the Conditions of Consent or as requested by the [Secretary](#).

The *Construction Compliance Report* must be made publicly available.

- 19 The [Secretary](#) may require update report(s) on compliance with all, or any part, of the Conditions of Consent. The report (s) must meet the requirements of the [Secretary](#) and be submitted within such period as the [Secretary](#) may require.
- 20 The Applicant must meet the requirements of the [Secretary](#) in respect of the implementation of any measure necessary to ensure compliance with the Conditions of Consent, and general consistency with the documents listed under Condition No. 2 of this Consent. The [Secretary](#) may direct that such a measure be implemented in response to the information contained within any report, plan, correspondence or other document submitted in accordance with the Conditions of Consent, within such time as the [Secretary](#) may require.

Environmental Monitoring

General Monitoring Requirements

- 21 The Applicant must undertake all monitoring, including recording and reporting of monitoring results, as required under this consent.
- 22 The results of any monitoring required under this consent must be recorded and maintained, as set out below. All records must be:
 - (a) in a legible form, or in a form which can be readily reduced to a legible form;
 - (b) kept for at least 4 years after the monitoring or event to which they relate took place; and
 - (c) produced in a legible form to the [Secretary](#) of the Department on request.
- 23 The following records must be kept in respect of any samples required to be collected:
 - (a) the date(s) on which the sample was taken;
 - (b) the time(s) at which the sample was taken;
 - (c) the location at which the sample was taken; and
 - (d) the name of the person who collected the sample.

Environmental Impact Audits

Environmental Impact Audit Report – Construction

- 24 An Environmental Impact Audit Report - Construction must be prepared and submitted to the [Secretary](#) within three months of construction completion, or at any other time interval agreed to by the [Secretary](#). If requested, the Environmental Impact Audit Report – Construction must be provided to other relevant Government Agencies.

The Environmental Impact Audit Report – Construction must:

- (a) identify the major environmental controls used during construction and assess their effectiveness;
- (b) summarise the main environmental management plans and processes implemented during construction and assess their effectiveness;
- (c) identify any innovations in construction methods used to improve environmental management; and

- (d) discuss the lessons learnt during construction, including recommendations for future wind farm developments.

Environmental Impact Audit Report - Operation

- 25 An Environmental Impact Audit Report - Operation must be prepared and submitted to the [Secretary](#) within three (3) months after a 24 month period of operation and then at any additional periods requested by the [Secretary](#). If requested, the Environmental Impact Audit Report – Operation must be provided to other relevant Government Agencies and Council.

The Environmental Impact Audit Report - Operation must:

- (a) be certified by an independent person at the Applicant's expense. The certifier must be approved by the [Secretary](#) prior to the preparation of the Environmental Impact Audit Report – Operation;
- (b) compare the operation impact predictions made in the EIS and documents identified in Condition 2;
- (c) assess the effectiveness of implemented mitigation measures and safeguards;
- (d) assess compliance with the systems for operation maintenance and monitoring; and
- (e) discuss the results of consultation with the local community particularly any feedback or complaints.

The result of the Audit Report must also be used to update the OEMP where necessary. The need or otherwise to update the OEMP must be certified by the Environmental Representative. The Applicant must notify the [Secretary](#), relevant Government Agencies and Council of any updates to the OEMP and provide a copy on request.

ENVIRONMENTAL MANAGEMENT

Construction Environmental Management Plan

- 26 The Applicant must prepare and implement a Construction Environmental Management Plan (CEMP) to outline environmental management practices and procedures to be followed during the construction of the development. The Plan must include, but not necessarily be limited to:
- (a) a description of all activities associated with the development to be undertaken on the site during site preparation and construction activities, including an indication of stages of construction, where relevant;
 - (b) statutory and other obligations that the Applicant is required to fulfil during construction, including all approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
 - (c) details of how the environmental performance of the site preparation and construction works associated with the development will be monitored, and what actions will be taken to address adverse identified environmental impacts;
 - (d) a description of the roles and responsibilities for all relevant employees involved in construction;
 - (e) specific consideration of measures to address any requirements raised by the Department and [EPA](#) during construction, including a description of measures employed to ensure compliance with the Conditions of Consent relevant to construction;
 - (f) the plans required to be included in the CEMP as specified in the Conditions of Consent; and
 - (g) complaints handling procedures during construction.

The CEMP must be certified by the Environmental Representative as being in accordance with the Conditions of Consents and be submitted for the approval of the [Secretary](#) at least one month prior to the commencement of construction of the development, or within such a period otherwise agreed by the [Secretary](#). Site preparation and construction associated with the development must not commence until written approval for the CEMP has been received from the [Secretary](#). Upon receipt of the [Secretary's](#) approval, the Applicant must supply a copy of the CEMP to [EPA](#) and Council as soon as practicable.

Operation Environmental Management Plan

- 27 The Applicant must prepare and implement an Operation Environmental Management Plan (OEMP) to detail an environmental management framework, practices and procedures to be followed during the operation of the development. The Plan must include, but not necessarily be limited to:
- (a) identification of all statutory and other obligations that the Applicant is required to fulfil in relation to operation of the development, including all consents, licences, approvals and consultations;
 - (b) a description of the roles and responsibilities for all relevant employees involved in the operation of the development;
 - (c) overall environmental policies and principles to be applied to the operation of the development;
 - (d) standards and performance measures to be applied to the development, and a means by which environmental performance can be periodically reviewed and improved;
 - (e) management policies to ensure that environmental performance goals are met and to comply with the Conditions of Consent; and
 - (f) the Management Plans required to be included in the OEMP as specified in the Conditions of Consent.

The OEMP must be certified by the Environmental Representative that it is prepared in accordance with the Conditions of Consent. The OEMP is to be submitted for the approval of the [Secretary](#) no later than one month prior to the commencement of operation, or within such period otherwise agreed to by the [Secretary](#). Operation must not commence until written approval has been received from the [Secretary](#). Upon receipt of the [Secretary's](#) approval, the Applicant must supply a copy of the OEMP to [EPA](#) and Council as soon as practicable.

Environmental Representative

- 28 Prior to the commencement of construction, the Applicant must nominate a suitably qualified and experienced Environmental Representative(s) whose appointment requires the approval of the [Secretary](#). The Applicant must employ the Environmental Representative(s) on a full-time basis, or as otherwise agreed by the [Secretary](#), during the construction, and commissioning. An Environmental Representative must also be employed during operation. The Environmental Representative must be:
- (a) the primary contact point in relation to the environmental performance of the development;
 - (b) responsible for all Management Plans and Monitoring Programs required under this consent;
 - (c) responsible for considering and advising on matters specified in the conditions of this consent, and all other licences and approvals related to the environmental performance and impacts of the development;

- (d) responsible for receiving and responding to complaints in accordance with this consent; and
- (e) given the authority and independence to require reasonable steps be taken to avoid or minimise unintended or adverse environmental impacts, and failing the effectiveness of such steps, to direct that relevant actions be ceased immediately should an adverse impact on the environment be likely to occur.

The Applicant must obtain approval from the [Secretary](#) for changes to the appointment of the Environmental Representative during construction. The Applicant must notify the [Secretary](#) of any changes to the appointment during operation.

COMMUNICATION AND CONSULTATION

Advice of Construction Activities

- 29 Subject to confidentiality, the Applicant must make all relevant documents required under this Consent available for public inspection upon request, including provision of all documents at the site for inspection by visitors. [Copies of the current version of all approved management plans and sub-plans must be made publicly available via a website maintained by the Applicant.](#)

Construction Complaints Management System

- 30 ²Prior to the commencement of construction of the development, the Applicant must ensure that the following are available for the community for the life of the development:
- (a) a telephone number on which complaints about operations associated with the development on the site may be registered;
 - (b) a postal address to which written complaints may be sent; and
 - (c) an email address to which electronic complaints may be transmitted.

The telephone number, the postal address and the email address must be advertised prior to the commencement of construction and quarterly until construction is completed.

- 31 ³The Applicant must keep a legible record of all complaints received in an up-to-date Complaints Register. The Register must record, but not necessarily be limited to:
- (a) the date and time, where relevant, of the complaint;
 - (b) the means by which the complaint was made (telephone, mail or email);
 - (c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
 - (d) the nature of the complaint;
 - (e) any action(s) taken by the Applicant in relation to the complaint, including any follow-up contact with the complainant; and
 - (f) if no action was taken by the Applicant in relation to the complaint, the reason(s) why no action was taken.

The Complaints Register must be made available for inspection on request of the [Secretary](#) or an authorised officer of the [EPA](#). The record of a complaint must be kept for at least four years after the complaint was made.

² Incorporates [EPA General Terms of Approval G1](#)

³ Incorporates [EPA General Terms of Approval G1](#)

Community Information Plan (CIP)

- 32 A Community Information Plan (CIP) must be prepared prior to the commencement of construction. The CIP must set out the community communications and consultation processes to be undertaken during the construction period of the project. The Plan must include but not be limited to:
- (a) procedures to inform the local community of planned investigations and construction activities, including planned construction activities outside standard construction hours;
 - (b) procedures to inform the relevant community of construction traffic routes and any likely disruptions to traffic flows and amenity impacts;
 - (c) procedures to consult with local landowners in regards to construction traffic to ensure safety of livestock and limited disruption to livestock movements;
 - (d) procedures to inform and consult with impacted residences [entitled to visual impact mitigation measures](#); and
 - (e) procedures to notify relevant properties of the processes available to review potential impacts on television and radio transmission.

Community Consultative Committee

- 33 The Applicant must operate a Community Consultative Committee for the development to the satisfaction of the Secretary, in accordance with the [Community Consultative Committee Guidelines for State Significant Project \(2016\)](#), or its latest version.

VISUAL AMENITY

Acquisition Upon Request

- 34 For a period of 5 years from the commencement of erection of any of the applicable wind turbines, the owner of the land listed in Table 1 may request the Applicant to acquire their land.

Upon receiving a written request from this owner, the Applicant must acquire the land in accordance with the procedures in conditions 1 and 2 of Appendix 4.

However, this condition does not apply if the Applicant has an agreement with the owner of the relevant land in regard to the visual impacts associated with the development, and the Applicant has advised the Department in writing of the terms of this agreement.

Table 1: Residence subject to acquisition upon request

<i>Residence</i>	<i>Lot/DP</i>	<i>Applicable Wind Turbines</i>
Elmgrove (R120)	72 / DP 750042 88 / DP 750042 97 / DP 750042 103 / DP 750042 172 / DP 750042 176 / DP 750042 177 / DP 750042 178 / DP 750042 218 / DP 750042	F1, F2, F3, F4

Note: To identify the residence referred to in Table 1, see the figure in Appendix 2.

Notification of Land Owners

- 35 Prior to the commencement of erection of any wind turbine, the Applicant must notify the owners of:
- (a) the land listed in Table 1 of the conditions of this consent of their rights under condition 34; and
 - (b) any residence not associated with the development within 4 km of any approved wind turbine of their rights under condition 38 of this consent.

Landscaping Requirements

- 36 Prior to the commencement of operation of the development, the Applicant must prepare an On-site Landscaping Plan. The On-Site Landscaping Plan is to address the visual impacts of the development as far as is reasonable and feasible including the turbines, site access roads, the substation, and the control and facilities building. The On-Site Landscaping Plan is to include, but not be limited to:
- (a) identification of locations for planting and landscaping;
 - (b) identification of species to be planted; and
 - (c) details of the maintenance program for on-site landscaping associated with the development.

The On-Site Landscaping Plan is to be implemented within six months of commencement of operation.

- 37 Prior to the commencement of operation, the Applicant must prepare a Roadside Landscape Management Plan for Crookwell Road. The Roadside Landscape Management Plan is to reasonably and feasibly screen the visual impact of the wind turbines located along Crookwell Road (between Pejar Road and the northern boundary of the site). The Roadside Landscape Management Plan is to be developed in consultation with the RMS, Council and land owners abutting Crookwell Road as bounded by the site. The Roadside Landscape Management Plan must include, but not be limited to:
- (a) identification of locations for plantings along Crookwell Road that will visually screen sections of the Crookwell II Wind Farm. Locations of plantings are not to compromise sight lines or clear zones, in accordance with the *Austroads Guide to Road Design* (as amended by RMS supplements), unless RMS agrees otherwise;
 - (b) identification of species to be utilised that will provide effective screening from the road. Use of fast growing species is encouraged, where appropriate; and
 - (c) details of the maintenance program.

The Roadside Landscaping Management Plan is to be implemented within six months of commencement of operation.

- 38 For a period of 5 years from the commencement of the erection of any wind turbine, the owner of any non-associated residence within 4 km of any wind turbine may ask the Applicant to

implement visual impact mitigation measures on their land to minimise the visual impacts of the development on their residence (including its curtilage).

Upon receiving such a written request from the owner of these residences, the Applicant must implement appropriate mitigation measures (such as landscaping and vegetation screening) in consultation with the owner.

These mitigation measures must be reasonable and feasible, aimed at reducing the visibility of the wind turbines from the residence and its curtilage, and commensurate with the level of visual impact on the residence.

All mitigation measures must be implemented within 12 months of receiving the written request, unless the Secretary agrees otherwise.

If the Applicant and the owner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Secretary for resolution.

Notes:

- *To avoid any doubt, mitigation measures are not required to be implemented to reduce the visibility of wind turbines from any other locations on the property other than the residence and its curtilage.*
- *The identification of appropriate visual impact mitigation measures will be more effective following the construction of the wind turbines. While owners may ask for the implementation of visual impact mitigation measures shortly after the commencement of the erection of the turbine, they should consider the merits of delaying this request until the relevant wind turbines are visible from their residence.*

- 39 The wind turbines must be painted matt off-white/grey. The blades are to be finished with a surface treatment that minimises any potential for glare or reflection.
- 40 No advertising, signs or logos are to be mounted on the turbines, except where required for safety purposes.

Lighting

- 41 During construction, the Applicant must take all practicable measures to minimise any off-site lighting impacts from the development. In particular, the Applicant must ensure that no lights cause an adverse impact to any private residences or public roads.
- 42 The Applicant must:
- (a) minimise the off-site lighting impacts of the development;
 - (b) ensure that any aviation hazard lighting complies with CASA's requirements;
 - (c) ensure that all external lighting associated with the development (apart from any aviation hazard and construction lighting):
 - is installed as low intensity lighting (except where required for safety or emergency purposes);
 - does not shine above the horizontal;
 - uses best management practice for bat deterrence; and
 - complies with *Australian Standard AS 4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting*, or its latest version.

Shadow Flicker

- 43 The Applicant must ensure that shadow flicker from operational wind turbines does not exceed 30 hours per annum at any residence not associated with the development.

NOISE AND VIBRATION

Construction Noise and Vibration Management Sub Plan

- 44 As part of the CEMP for the development, the Applicant must prepare and implement a Construction Noise and Vibration Management Plan. The Plan must include, but not be limited to:
- (a) details of construction activities, including timing, duration and predicted noise levels;
 - (b) best management practices to minimise noise resulting from construction activities;
 - (c) reasonable and feasible noise mitigation measures;
 - (d) compliance monitoring methods and program;
 - (e) community consultation and a community information program to inform residents when they are likely to be affected by construction noise;
 - (f) a complaints handling and complaints monitoring program, including details of a contact person to follow up complaints; and
 - (g) contingency measures to deal with incidents when noise complaints have been received, including feedback on appropriate noise amelioration processes put in place in response to complaints and the timeframe for the introduction of these measures. The feedback must be provided to the complainant.

Construction Hours

- 45 ⁴Construction activities associated with the development, including heavy vehicles entering and exiting the site, may only be carried out between 7:00 am and 6:00 pm, Monday to Friday inclusive, and between 7:00 am and 1:00 pm on Saturdays. The following activities may be carried out in association with construction outside of these hours:
- (a) any works that do not cause noise emissions to be audible at any nearby residences not located on the site;
 - (b) the delivery of materials as requested by Police or other authorities for safety reasons; and
 - (c) emergency work to avoid the loss of lives, property and/or to prevent environmental harm.

Any work undertaken outside the specified construction hours, other than those specified in (a) – (c) of this Condition, must not be undertaken without prior consent of the [Secretary](#).

Construction Noise Mitigation

- 46 The Applicant is required to inform in writing residences located on Woodhouselee Road between Crookwell Road and the access way to the site, of dates and times of concrete pours, at least two weeks prior to the concrete pours occurring. The Applicant is to inform residents of potential noise and amenity impacts associated with increased levels of traffic along this road.
- 47 The Applicant is to provide reasonable and feasible noise mitigation measures at the residences named as at the date of this Consent as 'Hillview' and 'Rocky Corner' during the construction period, to reduce noise from the construction vehicles. The noise mitigation measures must be

⁴ Incorporates [EPA](#) General Terms of Approval L6.2

provided, prior to the commencement of construction on the eastern side of the Wollondilly River, as agreed with by the owners of these dwellings. If an agreement between the Applicant and land owner(s) is unable to be reached, a report outlining proposed mitigation measures and the consultation process, is to be forwarded to the Secretary for review and determination, prior to the commencement of construction on the eastern side of the Wollondilly River.

Operational Noise Criteria – Wind Turbines

- 48 The Applicant must ensure that the noise generated by the operation of wind turbines does not exceed the relevant criteria in Table 2.

Table 2: Noise criteria dB(A)

Residence	Criteria (dB(A)) Referenced to Hub Height Wind Speed (m/s)									
	3 or less	4	5	6	7	8	9	10	11	12 or more
R1, 1a, 8	35	35	35	35	35	35	36	38	41	45
R19	35	35	35	35	35	35	37	38	41	43
R20, 117, 118, 119	35	35	35	35	35	35	36	38	41	43
R58, 59	35	35	35	35	35	36	38	39	41	42
R60, 61, 62	35	35	35	35	35	36	38	40	43	45
R64, 65	35	35	35	35	35	38	41	43	46	48
R69, 70	35	35	35	35	35	35	38	40	44	46
R71, 73	35	35	35	35	35	37	40	42	45	48
R106	37	38	39	40	42	44	45	47	49	51
R120, 123, 130, 131	35	35	35	36	37	38	39	41	42	44
All other residences not associated with the development and wind speeds > 12m/s	The higher of 35 dB(A) or the existing background noise level plus 5 dB(A)									

Note: To identify the residences referred to in Table 2, see the applicable figure in Appendix 2.

Noise generated by the operation of the wind turbines is to be measured in accordance with the relevant requirements of the Department's *Wind Energy: Noise Assessment Bulletin (2016)* (or its latest version) and the provisions in Appendix 5. If this guideline is replaced by an equivalent NSW guideline, then the noise generated is to be measured in accordance with the requirements in the NSW guideline.

However, these criteria do not apply if the Applicant has an agreement with the relevant owner/s of these residences to generate higher noise levels, and the Applicant has advised the Department in writing of the terms of this agreement.

Operational Noise Criteria – Ancillary Infrastructure

- 49 The Applicant must ensure that the noise generated by the operation of ancillary infrastructure does not exceed 35 dB(A) $L_{Aeq}(15 \text{ minute})$ at any residence not associated with the development.

Noise generated by the operation of ancillary infrastructure is to be measured in accordance with the relevant requirements of the *NSW Industrial Noise Policy* (or its equivalent).

Operational Noise Monitoring

- 50 The Applicant must prepare a Noise Compliance Strategy which must be submitted to and approved by the Secretary prior to commissioning of the wind turbines. The Noise Compliance Strategy must describe the process by which any noise management modes or sector management can be verified and outline how the noise criteria will be achieved.
- 51 Within 3 months of the commencement of operations (or the commencement of operation of a cluster of turbines, if the development is to be staged), the Applicant must:
- (a) undertake noise monitoring to determine whether the development is complying with the relevant conditions of this consent; and
 - (b) submit a copy of the monitoring results to the Department and the EPA.
- 52 The Applicant must undertake further noise monitoring of the development if required by the Secretary.

Blasting and Vibration

- 53 ⁵The overpressure level from blasting operations associated with the development must not:
- (a) exceed 115dB (Lin Peak) for more than five per cent of the total number of blasts; and
 - (b) exceed 120dB (Lin Peak) at any time.

The overpressure level is to be measured at any point that is located at least 3.5 metres from any building or structure at any nearby residence not associated with the wind farm or other noise sensitive receiver location such as a school or hospital.

- 54 ⁶Ground vibration (peak vector sum) from the blasting operations associated with the development must not:
- (a) exceed 5mm/s for more than five percent of the total number of blasts during construction; and
 - (b) exceed 10 mm/s at any time.

Ground vibration is to be measured at any point that is located at least 3.5 metres from any building or structure at any nearby residence not associated with the wind farm or any other noise sensitive location such as a school or hospital.

- 55 ⁷Blasting operations associated with the development may only take place:
- (a) between 9.00am and 5.00pm Monday to Friday;
 - (b) between 9.00am to 12.00pm Saturday; and
 - (c) at such other times or frequency as may be approved by the Secretary.

⁵ Incorporates EPA General Terms of Approval L6.3 (1)

⁶ Incorporates EPA General Terms of Approval L6.3 (2)

⁷ Incorporates EPA General Terms of Approval L6.3 (3)

Traffic Management Plan

- 56 As part of the CEMP, a Construction Traffic Management Plan must be prepared in consultation with Upper Lachlan and Goulburn Mulwaree Councils, the RMS and NSW Police, to manage traffic related issues associated with the development during the construction period. The Plan must identify:
- (a) designated transport routes for heavy vehicles to the site, in consultation with relevant councils and the RMS;
 - (b) details of procedures to minimise traffic disruption including through Goulburn and in the vicinity of the site;
 - (c) procedures to minimise disturbance from traffic noise;
 - (d) procedures to manage construction traffic to ensure the safety of:
 - (i) livestock and limit disruption to livestock movement;
 - (ii) school children and limit disruption to school bus timetables;
 - (e) a community information program to inform the community of traffic disruptions resulting from the construction program; and
 - (f) details of complaints management procedures for traffic impacts.

Construction Transport Routes

- 57 The Applicant must ensure that all heavy or over-dimensional vehicles entering or leaving the site use the designated heavy and over-dimensional vehicle routes for the development (see the figures in Appendix 8), unless the applicable roads authority agrees otherwise.

Note: The Applicant is required to obtain relevant permits under the Heavy Vehicle National Law (NSW) for the use of over-dimensional vehicles on the road network.

Site Access

- 58 All vehicular traffic associated with the development must access the site at the 3 approved site entry points only (see the figures in Appendix 8).

Road Dilapidation Report

- 59 Prior to the commencement of construction, the Applicant must undertake a 'before' road dilapidation report utilising the ARRB 'laser car', or an alternative method agreed with Council, to assess the existing condition of Woodhouselee Road between Crookwell Road and the site access point on Woodhouselee Road. The report must be undertaken in conjunction with Council's Director – Works.

Following completion of construction, and prior to the commencement of operation, an 'after' road dilapidation report utilising the ARRB 'laser car', or an alternative method agreed with Council, must be prepared in consultation with Council to determine the works required by the Applicant to restore the road to at least its pre-development condition.

The Applicant must restore the road to a standard no less than recorded in the initial dilapidation report, unless the damage can be reasonably attributed to influences other than the development. The Applicant must restore the road to at least its pre-development condition, to the satisfaction of Council within three (3) months of the commencement of operation, unless otherwise agreed by Council.

Road Upgrades

- 60 ⁸Prior to the commencement of heavy vehicle movements to and from the development on the western side of the Wollondilly River and to the satisfaction of the RMS, the Applicant must complete the construction of site access points along Crookwell Road to a minimum 'BAL', 'BAR' treatment in accordance with the *Austrroads Guide to Road Design* (as amended by RMS supplements).

Detailed drawings of the access points along Crookwell Road must be approved by the RMS prior to the commencement of these road works.

- 61 ⁹Prior to the commencement of heavy vehicle movements to and from the development east of the Wollondilly River, the Applicant must complete the following works at the intersection of Crookwell Road and Woodhouselee Road, to the satisfaction of the RMS and Council:
- (a) upgrade the junction of Crookwell Road and Woodhouselee Road in order to provide a sheltered right turn bay (CHR) in accordance with the *Austrroads Guide to Road Design* (as amended by RMS supplements); and
 - (b) widen Woodhouselee Road at the junction of Crookwell Road in accordance with the *Austrroads Guide to Road Design* (as amended by RMS supplements).

Detailed drawings of the upgraded intersection are to be approved by the RMS and Council prior to the commencement of these road works.

- 62 Prior to the commencement of heavy vehicle movements to and from the development east of the Wollondilly River, the Applicant must complete works along Woodhouselee Road, to the satisfaction of the Council. The works must comply with the following requirements unless otherwise agreed by Council:
- (a) construction of site access points and turning bay along Woodhouselee Road with a minimum of 180m stopping sight distance for approaching traffic;
 - (b) road realignment in both the vertical and horizontal axes to allow over-sized and over-dimensioned vehicles to pass;
 - (c) construction of a temporary creek crossing at Pejar Creek (chainage 6.16km from Crookwell Road) and strengthening of one bridge (chainage 8.03km from Crookwell Road) by additional temporary supports for the duration of the construction period; and
 - (d) upgrading and bitumen sealing of Woodhouselee Road pavement between chainages 12.00 kilometres and 14.25 kilometres from Crookwell Road.

- 63 All roadworks along Woodhouselee Road required under this Consent are to be designed and constructed to Council's version of AUS-SPEC Design and Construction specifications or alternative specifications that meet the minimum requirements of AUS-SPEC. Detailed drawings of the access points along Woodhouselee Road must be approved by the Council prior to the commencement of these road works.

- 64 ¹⁰All works along Crookwell Road and Woodhouselee Road must be undertaken by a pre-qualified accredited contractor with the relevant road authority(ies).

- 65 Prior to the commencement of construction, all road work design and specifications relating to the development must be completed and certified by an appropriately qualified person that all

⁸ Incorporates RMS General Terms of Approval 15 November 2004

⁹ Incorporates RMS General Terms of Approval 15 November 2004

¹⁰ Incorporates RMS General Terms of Approval 15 November 2004

roads within the site are of an acceptable design standard for the traffic generating requirements of the development.

Crown Roads

- 66 ¹¹Elements of the development that impact upon Crown Public Roads, are to be dealt with in accordance with the provisions of the *Roads Act 1993*.
- 67 ¹²The Applicant must legalise any proposed works on the Crown Public Roads system within the site, by means of easements, licences and purchases.
- 68 ¹³The Applicant is to undertake rehabilitation of disturbed areas within the Crown Public Roads system within two (2) years of completion of the construction as directed by the [DPI - Lands and Forestry](#) or any other authorised parties.
- 69 ¹⁴The Applicant must indemnify and keep indemnified the Crown and the Minister for Lands and [Forestry](#) against all claims arising out of the use and occupation of the Crown Public Roads in relation to works associated with this development.

Operational Traffic

- 70 Prior to commencement of operation of the development, all works relating to permanent vehicle access to the site must be completed. Permanent access from Woodhouselee Road must be completed to the satisfaction of Council and comply with the following requirements unless otherwise agreed by Council:
- (a) access points must have an adequate sight stopping distance (180 metres minimum) available in both directions;
 - (b) any gate must be so located that there is sufficient distance for a vehicle (rigid truck) to stand clear of the road; and
 - (c) the driveway must be sealed for a minimum distance of 50 metres measured from the edge of the Woodhouselee Road pavement.

Road Safety

- 71 The Applicant must, in consultation with the [RMS](#) and Council, identify any road safety changes along Crookwell Road (between Pejar Road and the northern boundary of the site), that may have arisen during the first 12 months of operation. Road safety changes must include, but not be limited to, any change in accident rates. The Applicant must implement any reasonable and feasible mitigation measures as required by the [RMS](#), to address any road safety impacts that could be attributable to the development.

HERITAGE

Protection of Aboriginal Heritage Items

- 72 The Applicant must:
- (a) ensure the development does not cause any direct or indirect impacts on Aboriginal heritage items, unless otherwise authorised under the NP&W Act; and

¹¹ Incorporates [DPI - Lands and Forestry](#) General Terms of Approval 1

¹² Incorporates [DPI - Lands and Forestry](#) General Terms of Approval 2

¹³ Incorporates [DPI - Lands and Forestry](#) General Terms of Approval 3

¹⁴ Incorporates [DPI - Lands and Forestry](#) General Terms of Approval 4

- (b) if impacts cannot be avoided, carry out detailed test excavations and recording of potential archaeological deposits at sites PJ60 and PJ61 and where ground disturbance will occur in the areas of moderate or high archaeological sensitivity identified in Figure 11 and Figures A-D in Appendix 7, that have not been subject to prior testwork.

Note: The locations of the Aboriginal heritage items referred to in this condition are shown in the figures in Appendix 7.

Historical Relics

- 73 In the event that a non-indigenous heritage item is uncovered during the construction of the development, all construction work in the vicinity of the object must cease and the Applicant must contact the NSW Heritage Council to determine an appropriate course of action prior to the recommencement of work in the vicinity of the item.

Heritage Management Plan

- 74 Prior to the commencement of erection of any wind turbine, the Applicant must prepare a Heritage Management Plan for the development to the satisfaction of the Secretary. This plan must:
- (a) be prepared by a suitably qualified and experienced person;
 - (b) be prepared in consultation with OEH and Aboriginal stakeholders;
 - (c) include updated baseline mapping of the heritage items within and adjoining the development disturbance area;
 - (d) include a description of the measures that would be implemented for:
 - protecting Aboriginal heritage items outside the project disturbance area;
 - avoiding impacts on heritage items within the disturbance area through engineering solutions;
 - minimising and managing the impacts of the development on heritage items within the disturbance area, including:
 - test excavations and salvage (if required); and
 - a strategy for the long term management of any Aboriginal heritage items or material collected during the test excavation or salvage works;
 - implementing a test excavation and if required, salvage program;
 - a contingency plan and reporting procedure if:
 - Aboriginal heritage items outside the approved disturbance area are damaged;
 - previously unidentified Aboriginal heritage items are found; or
 - Aboriginal skeletal material is discovered;
 - ensuring workers on site receive suitable heritage inductions prior to carrying out any development on site, and that records are kept of these inductions; and
 - ongoing consultation with Aboriginal stakeholders during the implementation of the plan;
 - (e) a program to monitor and report on the effectiveness of these measures and any heritage impacts of the project.

Following the Secretary's approval, the Applicant must implement the Heritage Management Plan.

FLORA AND FAUNA

Restrictions on Clearing and Habitat Impacts

75. The Applicant must:
- (a) ensure that no EEC is cleared for the development, unless the Secretary agrees otherwise;

- (b) locate wind turbines as far as practicable away from woodland vegetation, rocky outcrops, farm dams and watercourses; and
- (c) minimise:
 - the impacts of the development on threatened bird and bat populations; and
 - the clearing of native woodland vegetation, scattered paddock trees and fauna habitat within the approved disturbance footprint.

Note: The locations of the vegetation communities and scattered paddock trees referred to in this condition are shown on the figures in Appendix 6.

Construction

- 76 A Construction Flora and Fauna Management Sub Plan must be prepared as part of the CEMP. The Sub Plan must be prepared in consultation with the Department and [OEH](#) and include:
- (a) plans showing:
 - terrestrial vegetation communities; important flora and fauna habitat areas; habitat trees, locations where threatened species, populations or ecological communities were recorded; and areas to be cleared. The plans must also identify vegetation adjoining the development where this contains important habitat areas and/or threatened species, populations or ecological communities;
 - (b) methods to manage impacts on flora and fauna species (terrestrial and aquatic) and their habitat which may be directly or indirectly affected by the development. These must include:
 - procedures for vegetation clearing, soil management and managing other habitat damage (terrestrial and aquatic) during construction;
 - methods to protect vegetation both retained within, and also adjoining, the development from damage during construction;
 - methods to protect rocky outcrops and other potential reptile habitat both retained within, and also adjoining, turbines and ancillary development from damage during construction;
 - a habitat tree management program including fauna recovery procedures and habitat maintenance (e.g. relocating hollows or installing nesting boxes); and
 - performance criteria against which to measure the success of the methods;
 - (c) details of how structures associated with the development must be designed to reduce the risk of bird and bat strike;
 - (d) rehabilitation details including:
 - identification of locally native species to be used in rehabilitation and landscaping works, including flora species suitable as a food resource for threatened fauna species;
 - the source of all seed or tube stock to be used in rehabilitation and landscaping works including the identification of seed sources within the site. Seed of locally native species should be collected before construction commences; and
 - methods to re-use topsoil (and where relevant subsoils) and cleared vegetation;
 - (e) a Weed Management Strategy including:
 - identification of weeds within the site and adjoining areas;
 - weed eradication methods and protocols for the use of herbicides;
 - strategies to control the spread of weeds during construction; and
 - (f) a program for reporting on the effectiveness of terrestrial and aquatic flora and fauna management measures against the identified performance criteria. Management methods must be reviewed where found to be ineffective.

- 77 ¹⁵Prior to the commencement of any earthworks or any vegetation clearing associated with the development, vegetation and habitat to be protected is to be fenced off with clearly visible, durable and appropriately signposted exclusion fencing.
- 78 ¹⁶Only certified weed free and contaminant free mulch is to be used on the site.
- 79 ¹⁷ Protected riparian zone(s) are to be established and maintained for all areas along the edges of the protected waters impacted by the development. Zone(s) must consist of local native species, unless otherwise agreed by the [Secretary](#) and must be maintained and monitored for two years after planting. Maintenance must include erosion and sediment control, watering, weed control, replacement of plant losses and disease and insect control.
- 80 ¹⁸A Riparian Vegetation Management Plan must be prepared in consultation with [DPI - Water](#). It is to be prepared in accordance with the guideline '*How to Prepare a Vegetation Management Plan – Version 4*' and is to outline details of the protected riparian zone(s) including, but not limited to:
- (a) drawings demonstrating the size and location of the areas to be protected and rehabilitated;
 - (b) plant species to be utilised;
 - (c) establishment methods and tasks to be undertaken to protect and rehabilitate the protected riparian zones; and
 - (d) maintenance and performance monitoring to be undertaken.
- 81 ¹⁹Any requirement for bushfire asset protection zones are not to compromise in any way the extent, form or function of the protected riparian zones. Fuel reduced areas are to be located outside the riparian zones.
- 82 ²⁰Maintenance reports about the rehabilitated riparian zones must be prepared and submitted to the Department after completion of planting, and every six months thereafter until the completion of the maintenance period. The report must include:
- (a) achievements of the performance criteria outlined in the VMP;
 - (b) identification of problems in implementing the VMP; and
 - (c) discussion about the stability and condition of any associated stream works.

Operation

- 83 An Operation Flora and Fauna Management Sub Plan must be prepared as part of the OEMP. The Sub Plan must be prepared in consultation with the Department and [OEHS](#) and include:
- (a) plans showing:
 - terrestrial vegetation communities; important flora and fauna habitat areas; areas to be protected; and areas to be planted;
 - (b) methods to manage impacts on flora and fauna species (terrestrial and aquatic) and their habitats which may be directly or indirectly affected by the development. These must include:

¹⁵ Incorporates [DPI - Water](#) General Terms of Approval 21

¹⁶ Incorporates [DPI - Water](#) General Terms of Approval 35

¹⁷ Incorporates [DPI - Water](#) General Terms of Approval 22, 27, 30, 34

¹⁸ Incorporates [DPI - Water](#) General Terms of Approval 23-25

¹⁹ Incorporates [DPI - Water](#) General Terms of Approval 39

²⁰ Incorporates [DPI - Water](#) General Terms of Approval 31

- habitat management procedures including rehabilitation requirements and active re-planting of windrows;
 - operation stage measures to minimise bird and bat disturbance, in particular reducing the incidence of bird/bat strike. Management measures that must be considered for areas near the turbines include:
 - i. minimising the availability of raptor perches;
 - ii. modifying structures to prevent perching;
 - iii. management of lambing;
 - iv. swift carcass removal;
 - v. pest control, including rabbits;
 - vi. management of stock (grain) feeding;
 - vii. filling in of small dams that might attract insects and birds;
 - viii. use of deterrents (eg. flags, marker balls);
 - ix. minimising external lighting;
 - x. turbine management, that might include the turning off of turbines that are predicted to cause unacceptable bird/bat mortality at identified times;
 - xi. measures identified from research undertaken at other wind farms to reduce the incidence of bird/bat strike;
- (c) performance criteria against which to measure the success of the methods; and a programme for reporting on the effectiveness of management measures against the identified performance criteria. Management methods must be reviewed where found to be ineffective.

Bird and Bat Adaptive Management Program

- 84 A Bird and Bat Adaptive Management Program must be prepared [in consultation with OEH and submitted to the Secretary for approval prior to the commencement of operations](#), which takes account of bird/bat monitoring methods identified in the current editions of *AusWEA Best Practice Guidelines for the Implementation of Wind Energy Projects in Australia* and *Assessing the Impacts of Windfarms on Birds - Protocols and Data Set Standards*. The Program must be undertaken by a suitably qualified expert, approved by the [Secretary](#).

The Program must incorporate Monitoring, and a Decision Matrix that clearly sets out how the Applicant will respond to the outcomes of monitoring. It must:

- (a) [include at least 12 months of current \(or updated\) baseline data on threatened and 'at risk' bird and bat species and populations in the locality that could potentially be affected by the development, including updated surveys for raptors and baseline mapping of any raptor nests identified on the site;](#)
- (b) incorporate an ongoing role for the suitably qualified expert;
- (c) set out monitoring requirements. The requirements must account for natural and human changes to the surrounding environment that might influence bird and/or bat behaviour such as changes in land use practices, and significant changes in water levels in nearby water bodies;
- (d) incorporate a decision making framework that sets out specific actions and when it may be required to reduce identified impacts on birds and bats;
- (e) set out available mitigation measures;
- (f) incorporate reporting requirements on the outcomes of monitoring, on the application of the decision making framework, the need for mitigation measures, progress with implementation of such measures, and their success. Reports must be prepared on an annual basis, from the commencement of operation, and must be prepared within 2 months

of the end of the reporting period and be provided to the [Secretary](#). The [Secretary](#) may vary the reporting requirement or period by notice in writing to the Applicant;

- (g) identify any necessary mitigation measures and implementation strategy including, but not limited to, those referred in Condition [83](#).

The Applicant is required to implement reasonable and feasible mitigation measures where the need for further action is identified through the Bird and Bat Adaptive Management Program.

PHYSICAL ISSUES

Soil and Water Management

- 85 ²¹Prior to commencement of construction and operation, a Soil and Water Management Plan must be prepared and implemented in consultation with the [Water NSW](#) and [EPA](#), in accordance with Landcom's guideline *Managing Urban Stormwater: Soils and Construction (or its latest version)* and the [RMS Guideline for the Control of Erosion and Sedimentation in Roadworks \(or its latest version\)](#). The Plan is to outline soil and water management measures to be implemented during construction and operation to minimise impacts to soil and vegetation, including but not limited to:
- (a) water quality safeguards to be implemented, as outlined in Chapter 9 and Table 21-2 of the EIS;
 - (b) practices to manage soil and water where tracks and electrical cables cross water courses and drainage depressions;
 - (c) inspection, maintenance and monitoring programs; and
 - (d) practices proposed to be used in the event of accidental spills.
- 86 ²²An Erosion and Sediment Control Plan must be prepared and implemented in consultation with [Water NSW and EPA](#). The Plan is to outline the design of storm water outlets and scour protection works to be utilised during construction and be developed in accordance with the Department's guideline *Stormwater Outlet Structures to Streams (for pipes, culverts, drains and spillways) Version 1 (or its latest version)*. The plan must include, but not be limited to:
- (a) representative survey cross sections and a long section showing the existing and proposed bed and bank profile and water levels at the outlet points;
 - (b) design of scour protection works based on predicted velocities, scour potential and associated methods of construction;
 - (c) details of a monitoring program to ensure effectiveness; and
 - (d) details of decommissioning.
- 87 ²³ Prior to the commencement of operation, a Stormwater Management Plan must be prepared and implemented. The Plan must detail measures to mitigate the impacts of stormwater run-off from the development during operation. The Plan must be consistent with *Managing Urban Stormwater: Council Handbook (or its latest version)* and where relevant, consistent with a catchment wide stormwater management plan.
- 88 ²⁴All works associated with the development must be designed, constructed and operated so that they [do not cause](#) harm to aquatic and riparian environments and do not cause erosion, sedimentation, or increase flood levels of protected waters.

²¹ Incorporates [EPA General Terms of Approval O3.1](#)

²² Incorporates [DPI Water General Terms of Approval 12, 13, 14, 19, 40, 43](#)

²³ Incorporates [EPA General Terms of Approval O4.1](#)

²⁴ Incorporates [DPI - Water General Terms of Approval 2](#)

- 89 ²⁵Points of construction, such as creek crossings, or any other places where scour is likely within or near any protected waters or any part of the riparian zones on the site impacted by the development, are to be suitably protected against scour.
- 90 Waterway crossings associated with the development are to be designed and constructed in accordance with the relevant *Water Guidelines for Controlled Activities on Waterfront Land (2012)*, or their latest version.
- 91 ²⁶All works associated with the development are to be monitored after each major storm event during construction. Necessary stabilisation works are to be undertaken if there are any signs of erosion or instability of protected waters, to the satisfaction of the [Secretary](#).
- 92 ²⁷Except as may be expressly provided by a licence under the POEO Act in relation to the development, the Applicant must comply with Section 120 of the POEO Act (prohibition of the pollution of waters), which prohibits pollution of waters.

Air Quality

- 93 ²⁸The Applicant must design, construct, operate and maintain the development in a manner that minimises dust emissions from the site.
- 94 The Applicant must take all practicable measures to ensure that all vehicles associated with the development entering or leaving the site and carrying a load that may generate dust, are covered at all times, except during loading and unloading. Any such vehicles must be covered or enclosed in a manner that prevents emissions from the vehicle at all times.
- 95 The Applicant is required to construct, operate and maintain the access way from the site to Woodhouselee Road, in a manner that minimises dust generation.

Spoil and Fill Management

- 96 For the purposes of the development, imported fill must be Virgin Excavated Natural Material as defined in the Environment Protection Authority's guideline *Assessment, Classification and Management of Liquid and Non-Liquid Wastes*.

MISCELLANEOUS REQUIREMENTS

Aviation

- 97 Prior to the commencement of construction, details of the construction timetable are to be submitted to CASA.
- 98 Prior to the [erection of any wind turbine](#), the following details are to be submitted to CASA, AirServices Australia and the RAAF:
- (a) coordinates of the wind turbines in latitude and longitude;
 - (b) final height of the wind turbines as per AHD;

²⁵ Incorporates [DPI - Water](#) General Terms of Approval 14

²⁶ Incorporates [DPI - Water](#) General Terms of Approval 19

²⁷ Incorporates [EPA](#) General Terms of Approval L1.1

²⁸ Incorporates [EPA](#) General Terms of Approval O2.1

- (c) ground level at the base of each of the wind turbines as per AHD; and
- (d) details of any proposed aviation hazard lighting.

- 98A Within 30 days of the practical completion of the erection of any wind turbine, the Applicant must:
- (a) provide confirmation to the authorities that the information that was previously provided remains accurate; or
 - (b) update the information previously provided.
- 99 In the event that required aerial weed control is restricted on any property surrounding the site due to the location of turbines, the Applicant must fully fund the cost difference between aerial weed spraying and a reasonable alternative weed control method in the restricted area.

Hazards

Bush Fire Fighting

- 100 During construction, the Applicant is to consult with the local RFS in periods of high fire danger, to verify that proposed activities to be undertaken during this period, will not adversely increase the risk of bushfire. The Applicant must comply with any reasonable request of the local RFS.
- 101 The Applicant must consult with the local RFS after the commencement of operation and any other time thereafter as required by the RFS, to ensure that the local RFS is familiar with the development, including location and identification of wind turbines for the purpose of fast access in emergencies.

Safety Management System

- 102 At least two month prior to the commencement of commissioning, the Applicant must prepare a report outlining a comprehensive Safety Management System, covering all on-site systems related to ensuring the safe operation of the development. The report must clearly specify all safety related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to the procedures. Records must be kept on-site and must be available for inspection by the Department upon request. The Safety Management System must be developed in accordance with the Department's Hazardous *Industry Planning Advisory Paper No. 9, 'Safety Management'*, and should include:
- (a) procedures and programs for the maintenance and testing of the safety related equipment to ensure its integrity over the life of the wind farm;
 - (b) an outline of a documented procedure for the management of change;
 - (c) procedures and programs for liaison and regular drills with the local RFS; and
 - (d) procedures for regular fire prevention inspections by the local RFS and implementation of recommendations.

Telecommunications

- 103 Prior to the commencement of erection of any wind turbine, the Applicant must undertake a baseline assessment of radiocommunication services to assess the pre-existing signal strength at any residence within 5 kilometres of a wind turbine, in consultation with registered service providers (including emergency services).
- 104 If the development results in the disruption to any radio communications services (including point-to-point microwave links) in the area, then the Applicant must make good any disruption to these

services as soon as possible following the disruption, but no later than 1 month following the identified cause of the disruption of the service unless the relevant service provider or user or Secretary agrees otherwise.

If there is a dispute about the mitigation measures to be implemented or the implementation of these mitigation measures, then either party may refer the matter to the Secretary for resolution.

Waste Generation and Management

Waste Disposal

105 ²⁹Any vegetation or other material removed from construction areas must be disposed of lawfully to an appropriate site where the material cannot be swept into protected waters during a flood. Burning of the vegetation must not be undertaken unless an approval has been obtained from the relevant authority(ies).

106 ³⁰The Applicant must not receive waste for storage, treatment, processing or reprocessing and must not dispose of waste generated by the development on the site, except as may be expressly permitted by an Environment Protection Licence for the development under the POEO Act.

Note: The above condition only applies to the storage, treatment, processing and reprocessing or disposal of waste at the site if it requires an Environment Protection Licence under the *Protection of the Environment Operations Act 1997*.

Wastewater Management

107 The human wastewater management system is to be designed in consultation with [EPA and Council](#), in accordance with the principles contained within the guidelines *On-site Sewage Management for Single Households*, and the *AS/NZS 1547-2000 On-site Domestic Wastewater Management*. The human wastewater management system including any effluent management area, is to be located at least 100 metres from watercourses and 40 metres from drainage depressions. The human wastewater management system is to be maintained according to Section 5 of the guidelines *On-site Sewage Management for Single Households*.

108 AAA-rated water conservation devices are to be installed in the site control room/facilities building to minimise the volume of wastewater produced.

109 All stormwater is to be diverted away from any effluent management area associated with the development.

Decommissioning

110 Within one year of decommissioning, the site must be returned, as far as practicable, to its condition prior to the commencement of construction. All turbines and associated above ground structures including but not limited to, the substation, the control and facilities building and electrical infrastructure must be removed from the site unless otherwise agreed by the [Secretary](#). All other elements associated with the development, including site roads, must be removed unless otherwise agreed to by the site owner(s).

²⁹ Incorporates [DPI - Water](#) General Terms of Approval 11

³⁰ Incorporates [EPA](#) General Terms of Approval L5.1 & L5.2

- 111 If any wind turbine is not used for the generation of electricity for a continuous period of 12 months, it must be decommissioned unless otherwise agreed to by the [Secretary](#). The Applicant must keep independently verified annual records of the use of turbines for electricity generation. These records must be provided to the [Secretary](#) upon request. The relevant wind turbine and any associated infrastructure is to be dismantled and removed from the site within 18 months from the date that the turbine was last used to generate electricity.
- 112 Prior to the commencement of construction, the Applicant must provide written evidence to the satisfaction of the [Secretary](#), that the lease agreements with the site landowners have adequate provisions to require that decommissioning occurs in accordance with this Consent.

APPENDIX 1
SCHEDULE OF LAND

Lot Number	Deposited Plan (DP)
Lot 91	DP 750042
Lot 140	DP 750042
Lot 1	DP 1201348
Lot 2	DP 1201348
Lot 3	DP 1201348
Lot 41	DP 999621
Lot 2	DP 865814
Lot 2	DP 1091383
Lot 1	DP 79580
Lot 18	DP 252214
Lot 1	DP 1087717
Lot 2	DP 1087717
Lot 3	DP 1087717
Lot 1	DP 965855
Right of Carriageway over Lot 18 DP252214 Conveyance No. 622, Book 337.	

Table 2-1: GPS Coordinates of turbines [GDA 94]

Turbine	Easting	Northing
F1	733099	6175609
F2	732921	6175270
F3	732784	6175029
F4	732790	6174758
F5	733554	6174834
F7	733468	6174459
F10	734850	6177095
F11	735322	6176679
F12	735383	6175929
F17	735938	6173914
F19	735702	6174542
F21	735787	6175152
F22	736007	6175416
F23	736060	6175745
F24	737463	6175724
F26	737273	6175188
F27	737640	6174955
F28	737568	6174695
F29	737195	6174580
F30	737485	6174324
F31	737509	6174035
F32	737847	6173582
F35	738050	6173982
F36	738339	6174672
F37	738359	6174384
F40	738544	6173920
F41	738227	6173622
F43	737901	6173227
F45	738887	6172965
F47	738381	6172683
F48	739262	6172625
F50	739104	6172383

APPENDIX 3 GENERAL TERMS OF APPLICANT'S VPA OFFER

The VPA must include provisions for the payment, collection, management and distribution of the contributions under the agreement, with a focus on funding community projects in the area surrounding the project site.

<i>Council</i>	<i>Payment Details</i>
Upper Lachlan Shire Council	\$2,500 (adjusted annually to increases in the CPI) per wind turbine built per annum within the Upper Lachlan Shire Council local government area over the operational life of the development, commencing on the date on which the development begins 'operation' and ceasing when the development is 'decommissioned' in accordance with the definitions within this consent.

APPENDIX 4 ADDITIONAL PROCEDURES

LAND ACQUISITION

1. Within 3 months of receiving a written request from an owner with acquisition rights, the Applicant must make a binding written offer to the owner based on:
 - (a) the current market value of the owner's interest in the land at the date of this written request, as if the land was unaffected by the development, having regard to the:
 - existing and permissible use of the land, in accordance with the applicable environmental planning instruments at the date of the written request; and
 - presence of improvements on the land and/or any approved building or structure which has been physically commenced at the date of the owner's written request, and is due to be completed subsequent to that date, but excluding any improvements or reasonable costs that have resulted from the implementation of the visual impact mitigation measures in condition 34 of Schedule 2;
 - (b) the reasonable costs associated with:
 - relocating within the Upper Lachlan Shire local government area, or to any other local government area determined by the Secretary; and
 - obtaining legal advice and expert advice for determining the acquisition price of the land, and the terms upon which it is to be acquired;
 - (c) reasonable compensation for any disturbance caused by the land acquisition process.

However, if after 1 month of the owner receiving the binding written offer above, the Applicant and owner cannot agree on the acquisition price of the land and/or the terms upon which the land is to be acquired, then either party may refer the matter to the Secretary for resolution.

Upon receiving such a request, the Secretary must request the President of the NSW Division of the Australian Property Institute to appoint a qualified independent valuer to:

- consider submissions from both parties;
- determine a fair and reasonable acquisition price for the land and/or the terms upon which the land is to be acquired, having regard to the matters referred to in (a) to (c) above;
- prepare a detailed report setting out the reasons for any determination; and
- provide a copy of the report to both parties.

Within 14 days of receiving the independent valuer's report, the Applicant must make a binding written offer to the owner to purchase the land at a price not less than the independent valuer's determination.

However, if either party disputes the independent valuer's determination, then within 14 days of receiving the independent valuer's report, they may refer the matter to the Secretary for review. Any request for a review must be accompanied by a detailed report setting out the reasons why the party disputes the independent valuer's determination. Following consultation with the independent valuer and both parties, the Secretary will determine a fair and reasonable acquisition price for the land, having regard to:

- the matters referred to in (a) to (c) above,
- the independent valuer's report,
- the detailed report of the party that disputes the independent valuer's determination,
- whether an adjustment to the market value of the land since the independent valuation was completed is warranted; and
- any other relevant submissions.

Within 14 days of this determination, the Applicant must make a binding written offer to the owner to purchase the land at a price not less than the Secretary's determination.

If the owner refuses to accept the Applicant's binding written offer under this condition within 3 months of the offer being made, unless the Secretary determines otherwise, then the Applicant's obligations to acquire the land must cease.

2. The Applicant must pay all reasonable costs associated with the land acquisition process described in condition 1 above, including the costs associated with obtaining Council approval for any plan of subdivision (where permissible), and registration of this plan at the Office of the Registrar-General.

APPENDIX 5 NOISE COMPLIANCE ASSESSMENT

Applicable Meteorological Conditions – Wind Turbines

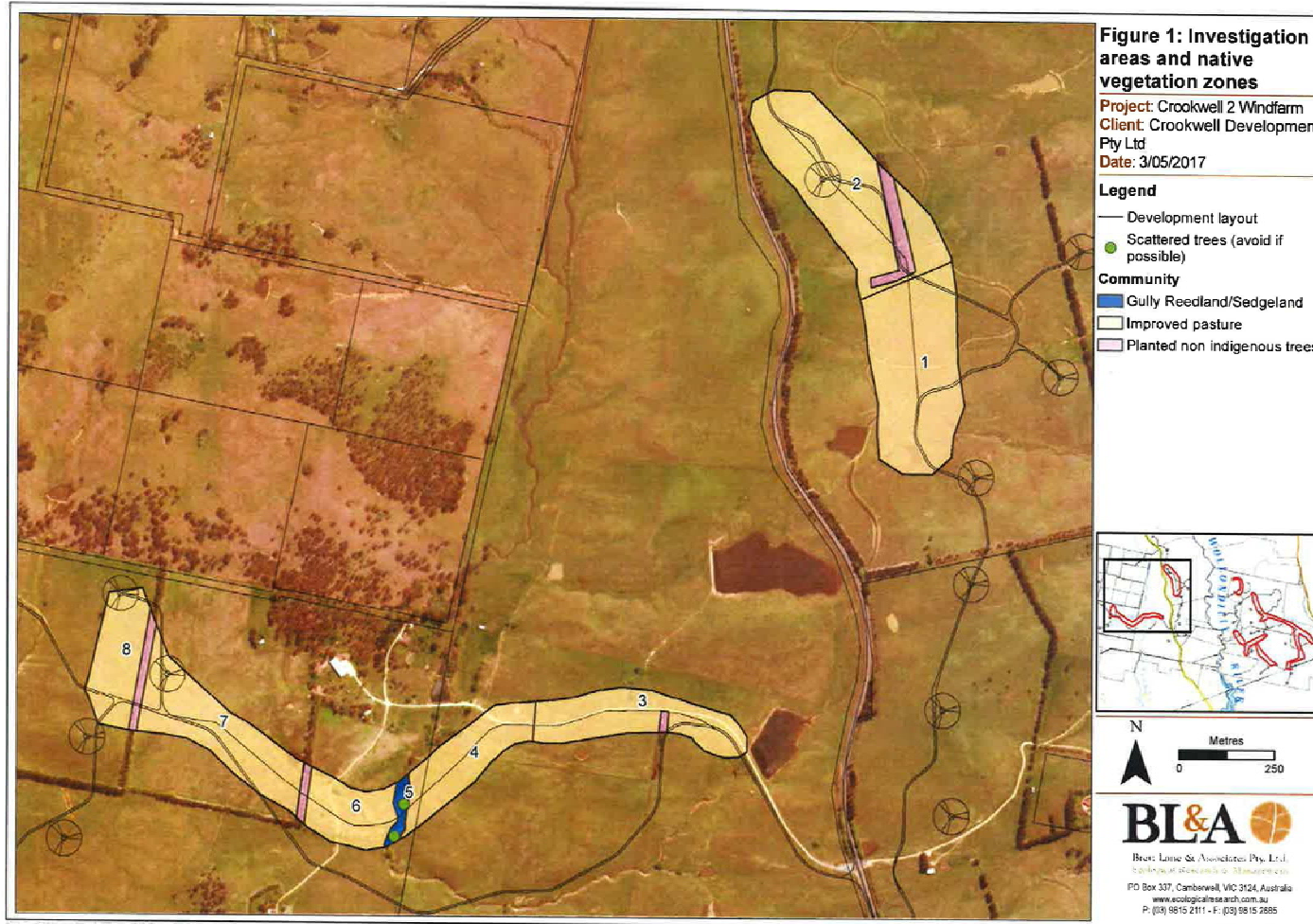
The noise criteria in Table 2 of the conditions are to apply under all meteorological conditions.

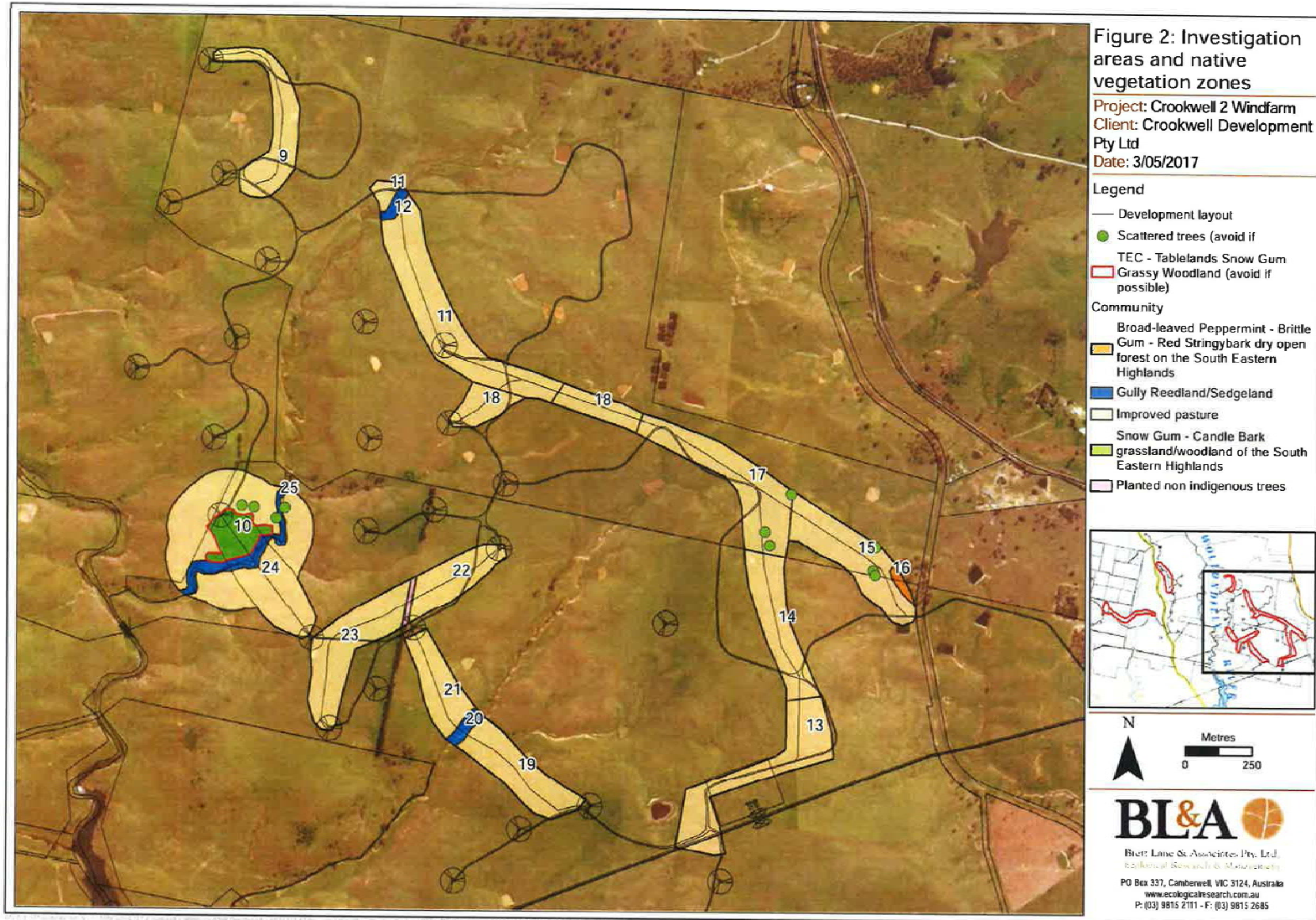
Applicable Meteorological Conditions – Other Facilities

The noise criteria in Condition 48 are to apply under all meteorological conditions except the following:

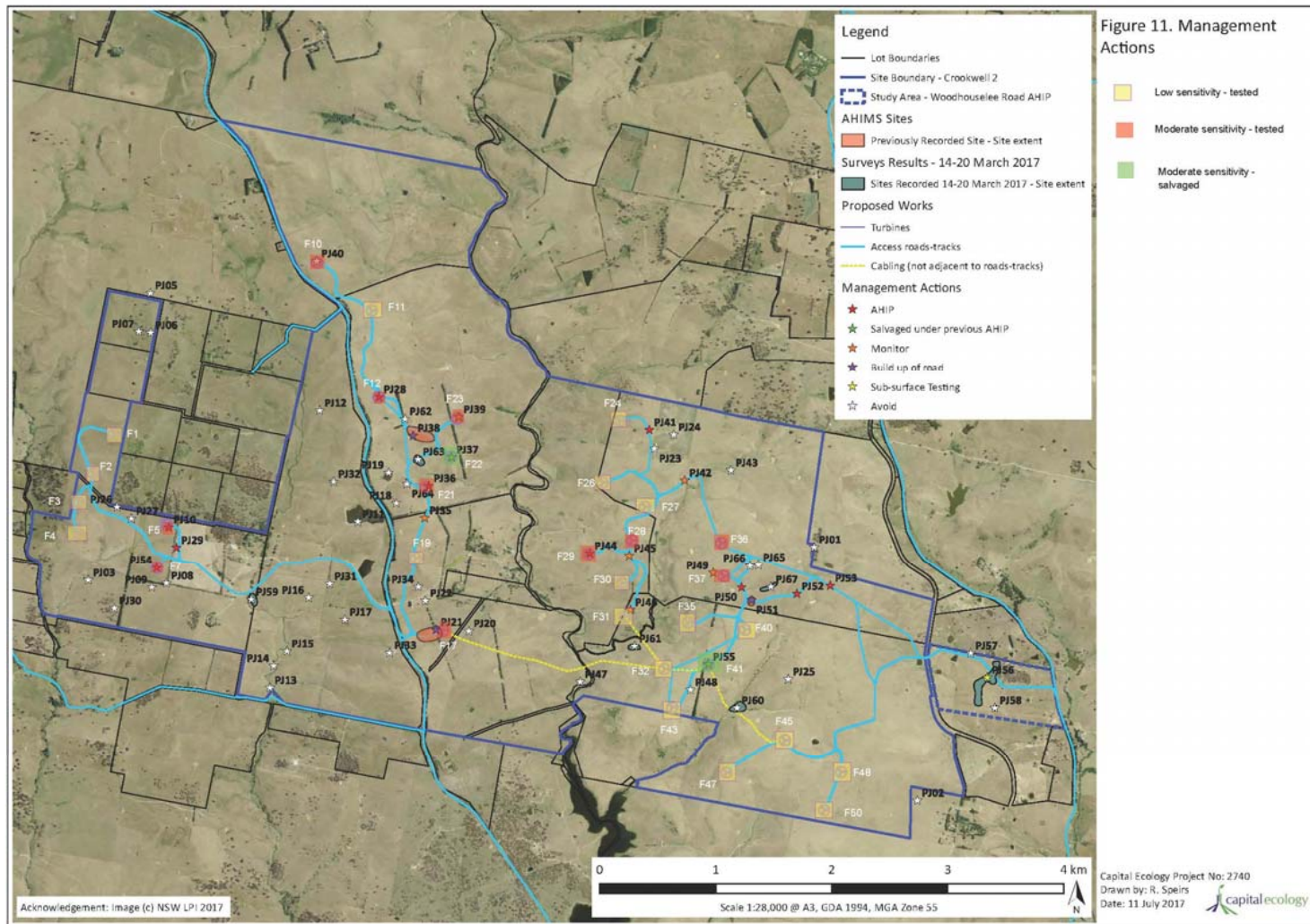
- a) wind speeds greater than 3 m/s at 10 m above ground level; or
- b) temperature inversion conditions between 1.5 °C and 3°C/100m and wind speeds greater than 2 m/s at 10 m above ground level; or
- c) temperature inversion conditions greater than 3°C/100m.

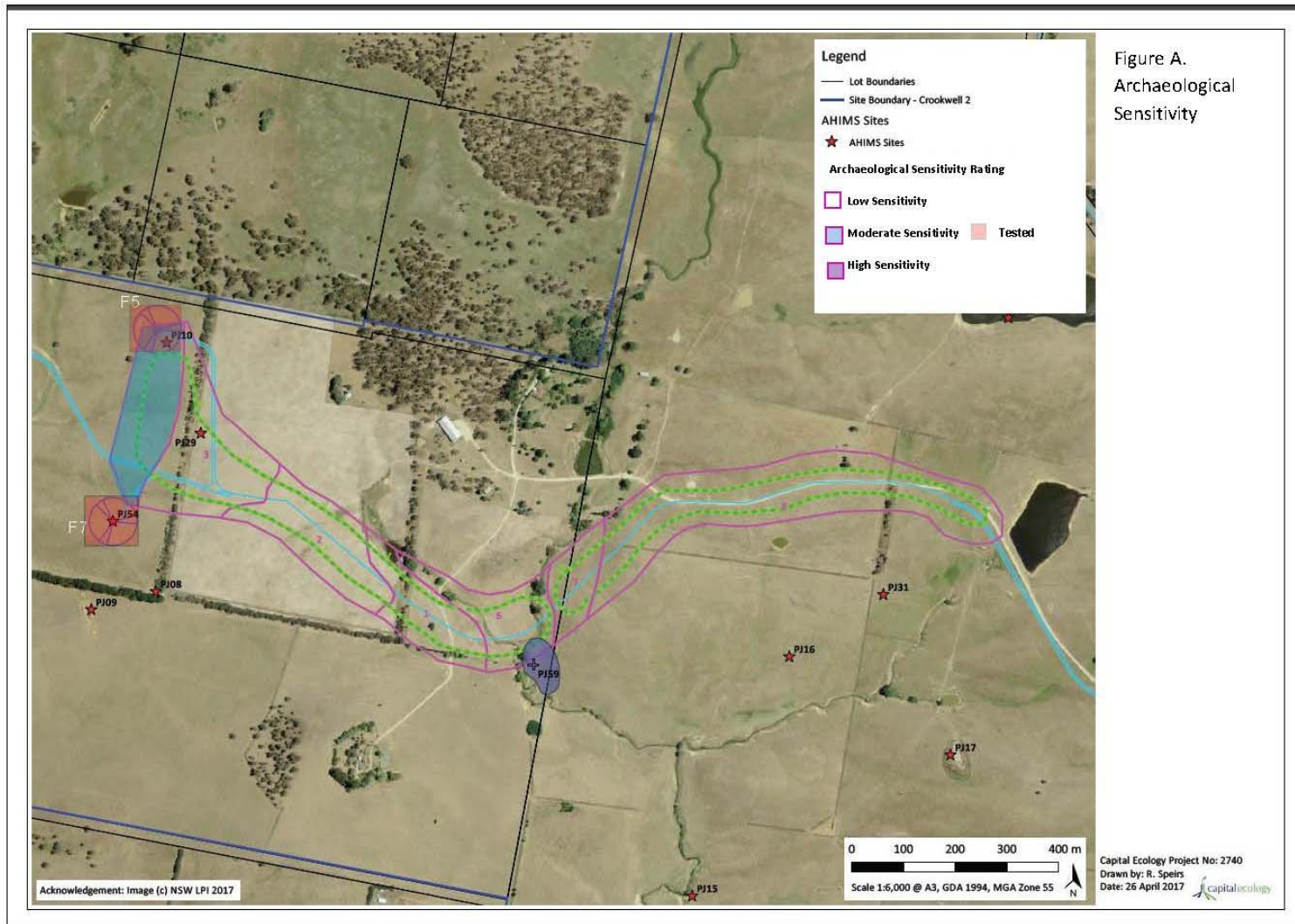
APPENDIX 6 BIODIVERSITY

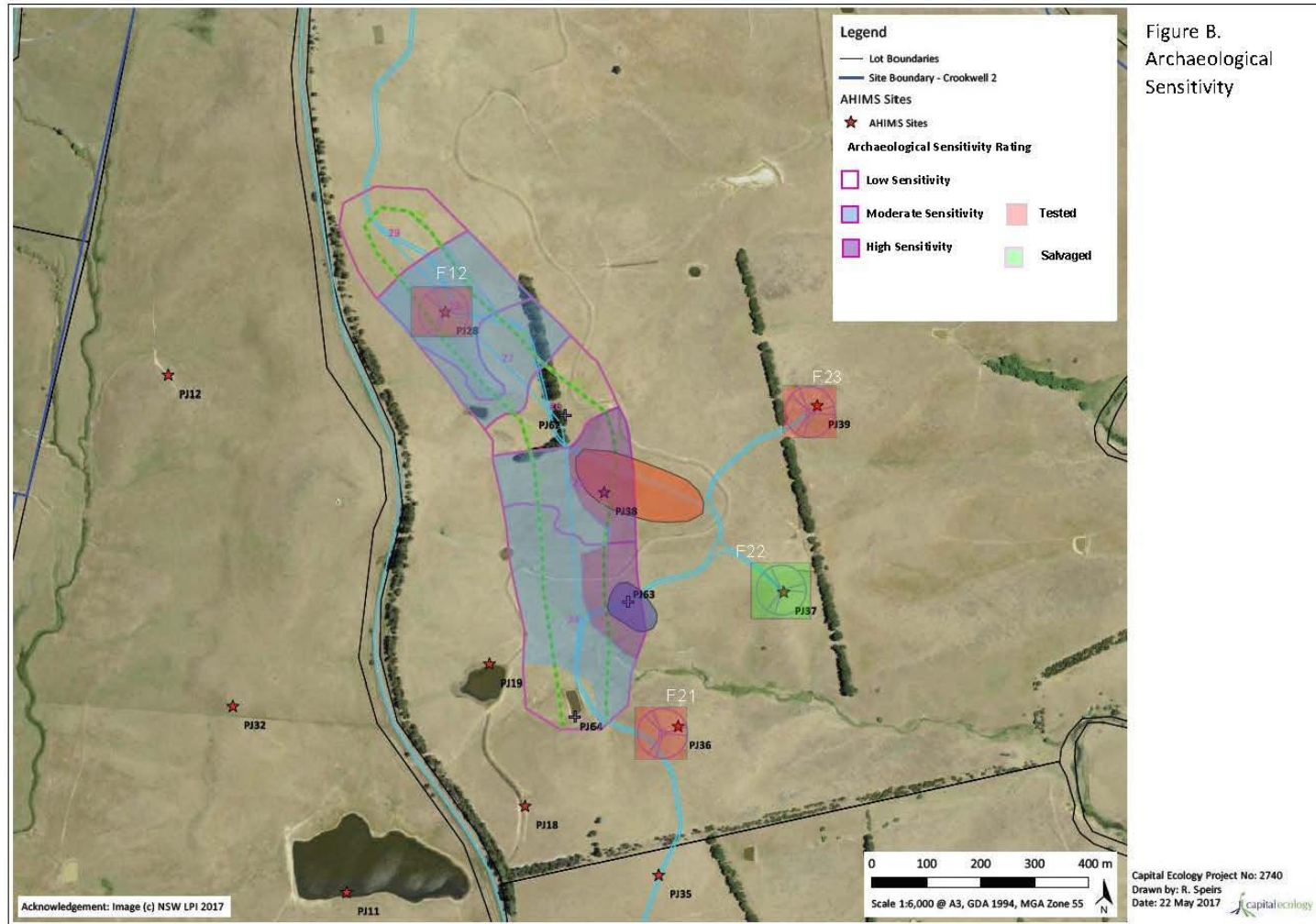


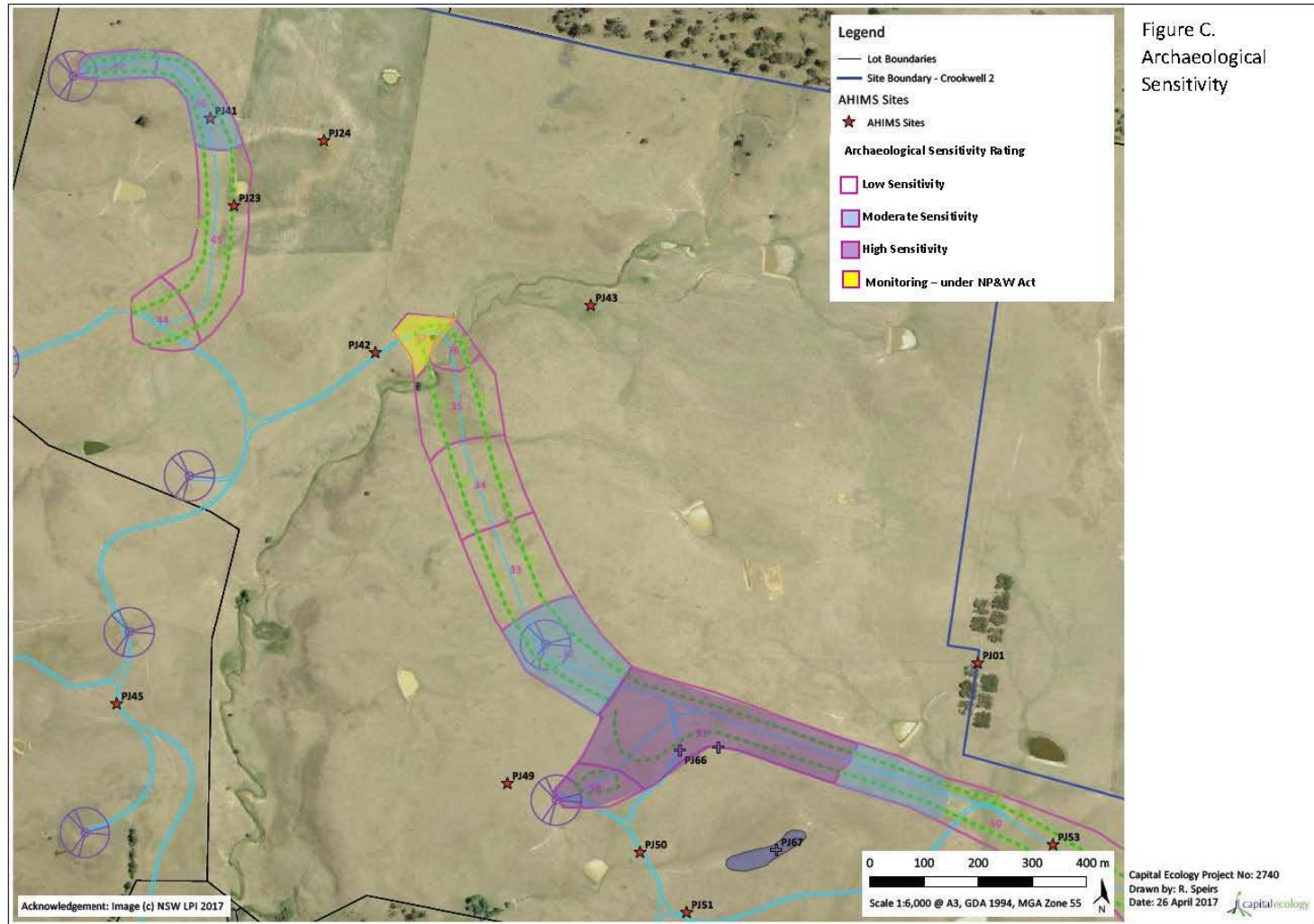


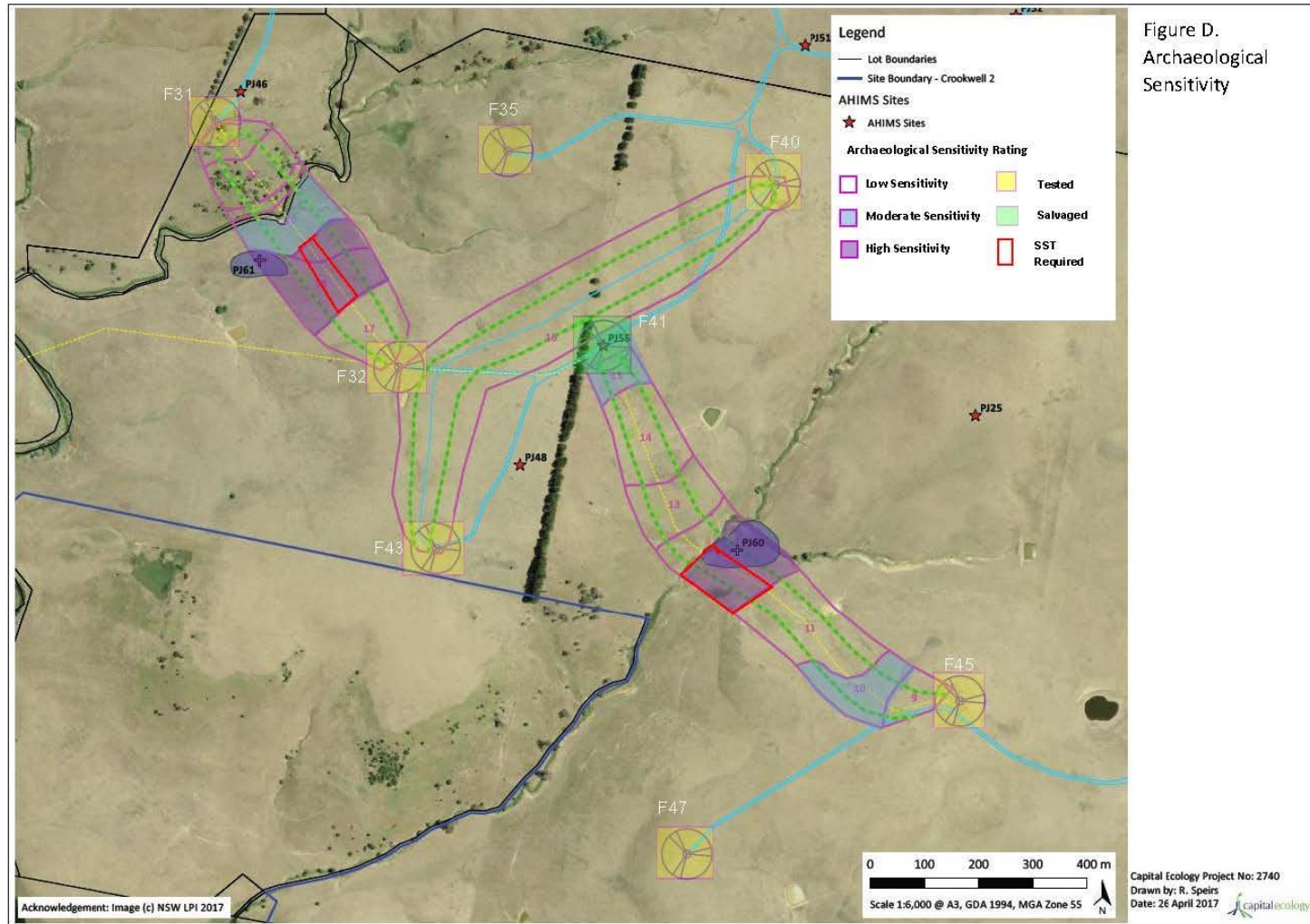
APPENDIX 7 HERITAGE











APPENDIX 8 HEAVY AND OVER-DIMENSIONAL VEHICLE ROUTES & SITE ACCESS

