

Annexure A  
**Crookwell Developments Pty Ltd v Independent Planning  
Commission**  
Conditions of Consent

## Development Consent

### Section 4.38 of the *Environmental Planning & Assessment Act 1979*

The Land and Environment Court of NSW approves the development application referred to in schedule 1, subject to the conditions in schedules 2 to 4.

These conditions are required to:

- prevent and/or minimise any adverse environmental impacts of the development;
- set standards and performance measures for acceptable environmental performance; and
- provide for the ongoing environmental management of the development.

Sydney

2020

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#### **SCHEDULE 1**

**Application Number:**

SSD 6695

**Applicant:**

Crookwell Development Pty Ltd

**Consent Authority:**

Land and Environment Court of NSW

**Land:**

See Appendix 1

**Development:**

Crookwell 3 Wind Farm

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## DEFINITIONS

Aboriginal stakeholders	Aboriginal stakeholders registered for cultural heritage consultation for the development
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, wind monitoring masts and internal roads
Applicant	Crookwell Development Pty Ltd or Crookwell 3 Development Pty Ltd or, or any other person carrying out the development approved under this consent
BC Act	Biodiversity Conservation Act 2016
BCA	Building Code of Australia
BCD	Biodiversity Conservation Division within the Department
CASA	Civil Aviation Safety Authority
CCC	Community Consultative Committee
Conditions of this consent	Conditions contained in schedules 1 to 4 inclusive
Construction	All physical works to enable the operation, including, but not limited to, the construction of wind turbines, ancillary infrastructure and road upgrades carried out before the commencement of operation, excluding pre-construction minor works
Council	Upper Lachlan Shire Council
Crookwell 2 Wind Farm	The development authorised by development application DA176-9-2004
Crown Lands	Crown Lands within the Department
Curtilage	The land immediately surrounding a residence, including any closely associated buildings or structures where domestic and/or recreational activities take place
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and public holidays
Decommissioning	The deconstruction and removal of wind turbines and above ground ancillary infrastructure
Department	Department of Planning, Industry and Environment
Development	The development as described in the EIS
EIS	The environmental assessment for the Crookwell 3 Wind Farm, prepared by Crookwell Development Pty Ltd and dated July 2012, as modified by the: <ul style="list-style-type: none"> <li>• <i>Crookwell 3 Wind Farm Preferred Project and Response to Submissions Report</i>, prepared by Crookwell Development Pty Ltd and dated March 2014;</li> <li>• <i>Crookwell 3 Wind Farm Addendum Environmental Impact Statement</i>, prepared by Crookwell Development Pty Ltd and dated September 2016; and</li> <li>• <i>Crookwell 3 Wind Farm Addendum Environmental Impact Statement Response to Submissions Report</i>, prepared by Crookwell Development Pty Ltd and dated February 2018;</li> <li>• <i>Crookwell 3 Wind Farm Biodiversity Development Assessment Report</i> prepared by Cumberland Ecology dated 28 July 2020;</li> <li>• Letter titled <i>Crookwell Development Pty Ltd v IPC Preliminary Hydrology Advice</i> prepared by Martens Consulting Engineers dated 28 July 2020;</li> <li>• Letter titled <i>Crookwell 3 Wind Farm, Preliminary Review of BCD Comments</i> prepared by ERM dated 14 August 2020; and</li> <li>• Letter titled <i>Revised layout</i> prepared by Herbert Smith Freehills dated 14 September 2020.</li> </ul>
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPA	Environment Protection Authority
EPL	Environment Protection Licence issued under the POEO Act
Feasible	Feasible relates to engineering considerations and what is practical to build or implement
FRNSW	Fire and Rescue NSW
ha	Hectares
Heavy vehicle	As defined under the Heavy Vehicle Law (NSW), but excluding light and medium rigid trucks and buses no more than 8 tonnes and with not more than 2 axles
Heritage Act	<i>Heritage Act 1977</i>

Heritage item	An item as defined under the Heritage Act and/or an Aboriginal Object or Aboriginal Place as defined under the NP&W Act
Heritage NSW Incident	Heritage NSW division within Department of Premier and Cabinet A set of circumstances that: <ul style="list-style-type: none"> <li>• causes or threatens to cause material harm to the environment; and/or</li> <li>• breaches or exceeds the limits or performance measures/criteria in this consent</li> </ul>
Material harm	Is harm that: <ul style="list-style-type: none"> <li>• involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial; or</li> <li>• results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)</li> </ul>
Minimise	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development
Mitigation	Activities associated with reducing the impacts of the development
Non-associated residence	Any residence on privately-owned land where the landowner has not reached a financial or in-kind agreement with the Applicant in relation to the development. In some cases, this agreement will be restricted. First, it may only cover certain aspects of the development (such as the noise or visual impacts). In such cases, the residence is only associated for those aspects covered by the agreement and remains a non-associated residence for all those aspects that are not covered by the agreement. Second, while the agreement may cover a certain aspect of the development (such as noise impacts), it may limit the extent of any such impact (by setting absolute noise levels at a residence, for instance). In these cases, the residence is only associated to the extent that the impact is covered by the agreement, and is considered to be non-associated for any impacts that exceed the limits specified in the agreement
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent but is not an incident
NP&W Act	<i>National Parks and Wildlife Act 1974</i>
OLS	Obstacle Limitation Surface
Operation	The carrying out of the approved purpose of the development upon completion of construction, but does not include commissioning trials of equipment or use of temporary facilities
Over-dimensional	Over-mass and/or over-size/length vehicles
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Pre-construction minor works	Includes the following activities: <ul style="list-style-type: none"> <li>• building/road dilapidation surveys;</li> <li>• investigative drilling or excavation;</li> <li>• minor clearing or translocation of native vegetation;</li> <li>• establishing temporary site office (in locations meeting the criteria identified in the conditions of this approval)</li> <li>• installation of environmental impact mitigation measures, fencing, enabling works, wind monitoring masts; and</li> <li>• minor access roads and minor adjustments to services/utilities, etc.</li> </ul>
Privately-owned land	Land that is not owned by a public agency or publicly owned commercial entity (or its subsidiary)
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, etc.
RAAF	Royal Australian Air Force – Aeronautical Information Services
Radiocommunications	Radio emission, or the reception of radio emission, for the purposes of communicating information as defined under the <i>Radiocommunications Act 1992</i>
Reasonable	Means applying 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, having regard to its condition prior to commencement of construction, to ensure it is safe, stable and non-polluting
Residence	Any dwelling in existence at the date of this consent, or a dwelling that is either the subject of a development consent or a development application

RFS	that was lodged but not yet determined at the date of this consent once a final occupation certificate has been issued for the dwelling
Secretary	Rural Fire Service
Sector management	Secretary of the Department, or nominee
	Sector management refers to the implementation of techniques that reduce the noise generated by individual wind turbines, or clusters. Such techniques may include operating the turbines in 'low noise' mode, shutting down turbines, or using firmware controls.
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
Temporary facilities	Temporary facilities used for the construction and/or decommissioning of the development, including but not limited to temporary site offices and compounds, concrete batching plants, materials storage compounds, maintenance workshops, testing laboratories or material stockpiles
VPA	Voluntary Planning Agreement
Wind turbine	Turbines used for the generation of electricity by wind, including the tower, blades and associated components

## SCHEDULE 2 ADMINISTRATIVE CONDITIONS

### OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

1. In meeting the specific environmental performance criteria established under this consent, the Applicant must implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from the construction, operation or decommissioning of the development.

### TERMS OF CONSENT

2. The Applicant must carry out the development:
  - (a) generally in accordance with the EIS; and
  - (b) in accordance with the conditions of this consent.

*Note: The general layout of the development is shown in the figures in Appendix 2.*
3. If there is any inconsistency between the above documents, the most recent document must prevail to the extent of the inconsistency. However, the conditions of this consent must prevail to the extent of any inconsistency.
4. The Applicant must comply with any reasonable requirement/s of the Secretary arising from the Department's assessment of:
  - (a) any strategies, plans 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.

### LIMITS ON CONSENT

#### Wind Turbines

5. The Applicant may construct, operate and replace or upgrade as necessary up to **16** wind turbines identified in Appendix 2.
6. This consent does not authorise the development of wind turbine numbers **A2, A28, A29, A30, A31, A32, A33**.

*Notes:*

  - To identify the wind turbines, see the figure and corresponding GPS coordinates (for those wind turbines approved) in Appendix 2.
7. No wind turbines may be located within 100 metres of the site boundary, unless otherwise agreed by the adjoining landowner.

#### Upgrading of Wind Turbines and Ancillary Infrastructure

8. The Applicant may replace or upgrade the wind turbines provided these upgrades remain within the approved development footprint of the site and would not result in any non-compliance with the conditions of this consent. Prior to carrying out any such upgrades, the Applicant must provide revised layout plans and project details of the development to the Secretary incorporating the proposed upgrades.

#### Wind Turbine Height

9. No wind turbines may be greater than 157 metres in height (measured from ground level to the blade tip).

#### Micro-siting Restrictions

10. The Applicant may micro-site the wind turbines and ancillary infrastructure, provided:
  - (a) the wind turbines in Table 1 are moved no further than the limitations identified in Table 1; and
  - (b) the revised location of the wind turbine and/or ancillary infrastructure would not result in any non-compliance with the conditions of this consent.

Table 1: Wind turbine limitations

<b>Turbine</b>	<b>Limitation</b>
Any approved turbine	No wind turbine is moved more than 100 metres from the relevant GPS coordinates shown in Appendix 2.
A3	No closer to residence 69 or 106
A4, A5	No closer to residence 106
A10	No closer to residence 63
A20	No closer to the adjacent woodland
A22	No closer to the adjacent woodland
A24	No closer to residence 62 or the adjacent woodland
A25	No closer to the adjacent woodland

### STRUCTURAL ADEQUACY

11. The Applicant must ensure that:
- 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
  - 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 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the development.
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.

### DEMOLITION

12. 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.

### PROTECTION OF PUBLIC INFRASTRUCTURE

13. Unless the Applicant and the applicable authority agree otherwise, 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.

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.

### OPERATION OF PLANT AND EQUIPMENT

14. The Applicant must ensure that all plant and equipment used on site, or in connection with the development, is:
- maintained in a proper and efficient condition; and
  - operated in a proper and efficient manner.

### COMMUNITY ENHANCEMENT

15. The Applicant shall contribute to Council in accordance with:
- Division 7.1 of Part 7 of the EP&A Act; and
  - in accordance with the terms of the agreed VPA between The Upper Lachlan Shire Council and Crookwell Development Pty Ltd for the Crookwell 2 Wind Farm and Crookwell 3 Wind Farm, executed on 27 July 2017 as per Council resolution No 222/17.

## SCHEDULE 3

## ENVIRONMENTAL CONDITIONS - GENERAL

### VISUAL

#### Visual Impact Mitigation

1. For a period of 5 years from the commencement of construction, 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.*
2. Prior to the commencement of construction, the Applicant must notify the relevant owners of the residences referred to in condition 1 above, that they have the right to request the Applicant to implement visual impact mitigation measures at their residence (including its curtilage) at any time within 5 years of the commencement of construction.
  3. Once the appropriate mitigation has been agreed, the Applicant may enter into an agreement with the residents of any residence to cover the cost of or supply planting and landscaping material, if the residents intend to undertake the implementation of the mitigation planting themselves.
  4. The Applicant is responsible for maintaining the vegetation screening established under condition 1 and 2 of Schedule 3 for a period of 6 months following implementation to ensure it is established. .

#### Visual Appearance

5. The Applicant must:
  - (a) minimise the off-site visual impacts of the development;
  - (b) ensure the wind turbines are:
    - painted off white/grey, unless otherwise agreed by the Secretary; and
    - finished with a surface treatment that minimises the potential for glare and reflection;
  - (c) ensure the visual appearance of all ancillary infrastructure (including paint colours) blends in as far as possible with the surrounding landscape; and
  - (d) not mount any advertising signs or logos on wind turbines or ancillary infrastructure.

#### Lighting

6. 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 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



7. The Applicant must ensure that shadow flicker associated with wind turbines does not exceed 30 hours per year at any non-associated residence.

## NOISE

### Construction & Decommissioning Noise

8. The Applicant must:
- minimise the construction or decommissioning noise of the development, including any associated traffic noise; and
  - ensure that the noise generated by any construction or decommissioning activities is managed in accordance with the best practice requirements outlined in the *Interim Construction Noise Guideline* (DECC, 2009), or its latest version.
9. Unless the Secretary agrees otherwise, the Applicant must only undertake construction or decommissioning activities between:
- 7.00 am to 6.00 pm Monday to Friday;
  - 8.00 am to 1.00 pm Saturdays; and
  - at no time on Sundays and NSW public holidays.

The following construction activities may be undertaken outside these hours without the approval of the Secretary:

- the delivery of materials requested by the NSW Police Force or other authorities for safety reasons; or
- emergency work to avoid the loss of life, property and/or material harm to the environment.

### Blasting

10. The Applicant must only carry out blasting on site between 9.00 am and 5.00 pm Monday to Friday and between 8.00 am to 1.00 pm on Saturday. No blasting is allowed on Sundays or public holidays.
11. The Applicant must ensure that any blasting carried out on site does not exceed the criteria in Table 2.

Table 2: Blasting criteria

Location	Airblast overpressure (dB(Lin Peak))	Ground vibration (mm/s)	Allowable exceedance
Any non-associated residence	120	10	0%
	115	5	5% of the total number of blasts or events over a rolling period of 12 months

### Operational Noise Criteria – Wind Turbines

12. The Applicant must ensure that the noise generated by the operation of wind turbines does not exceed the higher of 35 dB(A) or the existing background noise level (LA90 (10-minute)) plus 5 dB(A) for each integer wind speed, measured at hub height, from cut-in to rated turbine generator power, at any non-associated residence.

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). The noise generated by the operation of the wind turbines must also be adjusted for tonality and low frequency noise in accordance with the Department's *Wind Energy: Noise Assessment Bulletin* (2016) (or its latest version).

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

13. 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 non-associated residence.

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

### Noise Management Plan

14. Prior to commissioning of the turbines, the Proponent must prepare a Noise Management Plan to manage noise emissions from the operation of the development, to the satisfaction of the Secretary. The Plan must include:
- (a) compliance monitoring within 3 months of operations, or the commencement of operation of a cluster of turbines if the development is to be staged, unless the Secretary agrees otherwise, in accordance with the Department's *Wind Energy: Noise Assessment Bulletin (2016)* (or its latest version) to determine whether the development is complying with the relevant conditions of this consent;
  - (b) description of the parameters and meteorological conditions which trigger the use of noise management mode and sector management;
  - (c) an auditable process that compliance can be independently confirmed for the use of noise management mode and sector management;
  - (d) procedures and corrective actions to be undertaken if non-compliance is detected;
  - (e) provision of a copy of the compliance monitoring results to the Secretary and the EPA.

Following the Secretary's approval, the Applicant must implement the measures described in the Noise Management Plan.

### AIR

15. The Applicant must:
- (a) minimise the off-site dust, fume and blast emissions of the development; and
  - (b) minimise the surface disturbance of the site.

### SOIL & WATER

#### Water Supply

16. The Applicant must ensure that it has sufficient water for all stages of the development; and if necessary, adjust the scale of the development to match its available water supply.

*Note: Under the Water Act 1912 and/or the Water Management Act 2000, the Applicant is required to obtain the necessary water licences for the development.*

#### Water Pollution

17. Unless an EPL authorises otherwise, the Applicant must comply with Section 120 of the POEO Act.

*Note: Section 120 of the POEO Act makes it an offence to pollute any waters.*

### Stormwater Management Plan

18. Prior to commencing construction, the Applicant must prepare a Stormwater Management Plan in consultation with WaterNSW and to the satisfaction of the Secretary. The plan must:
- (a) be prepared by an appropriately qualified engineer;
  - (c) demonstrate a Neutral or Beneficial Effect on the receiving environment in terms of water quality;
  - (d) include the following:
    - details of existing site hydrology and drainage systems;
    - details of internal access road locations, temporary and permanent structures, existing erosion control works and expected earthworks and related infrastructure;
    - specifications of all existing and proposed sediment and erosion control works. All sediment and erosion control works should be designed in accordance with *Managing Urban Stormwater: Soils and Construction* (Landcom 2004) and *Managing Urban Stormwater: Soils and Construction Volume 2A Installation of Services and Volume 2C Unsealed Roads* (DECC, 2007 - the 'Blue Book Vol.2);
    - specifications and designs for all stormwater management structures required to provide on-going water quality control for the development;
    - stormwater quality modelling (using the MUSIC software) **consistent with *Using MUSIC in Sydney Drinking Water Catchment* (WaterNSW, 2019)** to demonstrate that all stormwater management structures will achieve a neutral or beneficial effect on the receiving water catchments; and
    - a maintenance and management plan required to be implemented to ensure the long-term performance of all permanent stormwater management infrastructure.

Following the Secretary's approval, the Applicant must implement the measures described in the Stormwater Management Plan.

### Operating Conditions

19. The Applicant must:
- (a) ensure the wind turbines and ancillary infrastructure, particularly any access roads on steep slopes, are designed, constructed and maintained to minimise any soil erosion;
  - (b) minimise any soil erosion associated with the construction and decommissioning of the development by implementing the relevant mitigation measures in *Managing Urban Stormwater: Soils and Construction* (Landcom, 2004), or its latest version;
  - (c) ensure all waterway crossings are constructed in accordance with the:
    - *Water Guidelines for Controlled Activities on Waterfront Land (2012)*, or its latest version; and
    - *Why Do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings (2004)*, or its latest version;
  - (d) store and handle all dangerous or hazardous materials on site in accordance with *AS1940-2004: The storage and handling of flammable and combustible liquids*, or its latest version;
  - (e) ensure the concrete batching plants and substation are suitably bunded; and
  - (f) minimise any spills of hazardous materials or hydrocarbons, and clean up any spills as soon as possible after they occur.

### BIODIVERSITY

#### Restrictions on Clearing and Habitat

20. Unless the Secretary agrees otherwise, the Applicant must:
- (a) ensure that no more than:
    - 0.32 ha of *Derived grassland of the South Eastern Highlands Bioregion and South East Corner Bioregion* (PCT 797) endangered ecological community is cleared for the development;
    - 0.22 ha of *Ribbon Gum - Narrow-leaved Peppermint grassy open forest on basalt plateaux, Sydney Bioregion and South Eastern Highlands Bioregion* (PCT 1097) endangered ecological community is cleared for the development;
    - no more than 1.5 ha of *Yellow Box - Blakely's Red Gum grassy woodland on the tablelands, South Eastern Highlands Bioregion* (PCT 1330) endangered ecological community is cleared for the development; and
  - (b) implement reasonable and feasible measures to minimise:
    - the impacts of the development on hollow-bearing trees;
    - the impacts of the development on threatened bird and bat populations; and
    - the clearing of native vegetation and key habitat within the approved disturbance footprint.

#### Biodiversity Offset

21. Prior to the commencement of construction, unless the Secretary agrees otherwise, the Applicant must:
- (a) update the baseline mapping of the vegetation and key habitat within the final disturbance area; and
  - (b) calculate the biodiversity offset credit liabilities for the development in accordance with the *NSW Biodiversity Offsets Scheme*, in consultation with BCD, and to the satisfaction of the Secretary.
22. Within two years of the commencement of construction, unless the Secretary agrees otherwise, the Applicant must retire the required biodiversity credits, unless the secretary agrees otherwise.

The retirement of the credits must be carried out in accordance with the *NSW Biodiversity Offsets Scheme* and can be achieved by:

- (a) acquiring or retiring 'biodiversity credits' within the meaning of the BC Act;
- (b) making payments into an offset fund that has been developed by the NSW Government; or
- (c) funding a biodiversity conservation action that benefits the entity impacted and is listed in the ancillary rules of the biodiversity offset scheme.

#### Biodiversity Management Plan

23. Prior to the commencement of construction, the Applicant must prepare a Biodiversity Management Plan for the development to the satisfaction of the Secretary. This plan must:
- (a) be prepared in consultation with BCD; and
  - (b) include:

- a description of the measures that would be implemented for:
    - minimising the amount of native vegetation clearing within the approved development footprint;
    - minimising the loss of key fauna habitat, including tree hollows;
    - minimising the impacts on fauna on site, including undertaking pre-clearance surveys;
    - minimising the potential indirect impacts on threatened species, including:
      - fauna species, including the Gang Gang Cockatoo (*Callocephalon fimbriatum*) and Squirrel Glider (*Petaurus norfolcensis*)
    - pre-clearing protocols including pre-clearing fauna surveys;
    - rehabilitating and revegetating temporary disturbance areas;
    - protecting native vegetation and key fauna habitat outside the approved disturbance area;
    - maximising the salvage of resources within the approved disturbance area – including vegetative and soil resources – for beneficial reuse (including fauna habitat enhancement) during the rehabilitation and revegetation of the site;
    - collecting and propagating seed (where relevant);
    - controlling weeds and feral pests;
    - controlling erosion; and
    - bushfire management;
  - a detailed program to monitor and report on the effectiveness of these measures.
- Following the Secretary's approval, the Applicant must implement the Biodiversity Management Plan.

### Bird and Bat Adaptive Management Plan

24. Prior to the commissioning of any wind turbines, the Applicant must update the Crookwell 2 Wind Farm Bird and Bat Adaptive Management Plan to include the development in consultation with BCD, and to the satisfaction of the Secretary. This plan must include:
- (a) at least 12 months' worth of baseline data on threatened and 'at risk' bird and bat species and populations in the locality that could be affected by Crookwell 2 Wind Farm and the development;
  - (b) a detailed description of the measures that would be implemented on site for minimising bird and bat strike during operation of the development, including:
    - minimising the availability of raptor perches on wind turbines;
    - bird and bat mortality monitoring including surveys, estimates of annual strikes prompt carcass removal;
    - measures to control feral pests and stock that might attract foraging raptors; and
    - using best practice methods for bat deterrence, including managing potential lighting impacts;
  - (c) trigger levels for further investigation of the potential impacts of the project on particular bird or bat species or populations;
  - (d) an adaptive management program that would be implemented if the development is having an adverse impact on a particular threatened or 'at risk' bird and/or bat species or populations; including the implementation of measures to:
    - reduce the mortality of those species or populations such as land management and reducing threatened and 'at risk' bird and bat species activity around turbines; or
    - enhance and propagate those species or populations in the locality; and
  - (e) a detailed program to monitor and report on:
    - the effectiveness of these measures; and
    - any bird and bat strikes on site;
    - incidences of reaching trigger levels;
  - (f) provisions for a copy of all raw data collected as part of the monitoring program to be submitted to BCD and the Secretary.

Following the Secretary's approval, the Applicant must implement the updated Crookwell 2 Wind Farm Bird and Bat Adaptive Management Plan.

### HERITAGE

#### Protection of Heritage Items

25. The Applicant must ensure the development does not cause any direct or indirect impacts on the Aboriginal heritage items identified in **Table 1** of Appendix 3 or any Aboriginal heritage items located outside the approved development footprint.
26. The Applicant must minimise impacts to heritage items identified in Table 2 and Table 3 of Appendix 3.
27. If impacts to the heritage items identified in Table 2 of Appendix 3 cannot be avoided, prior to carrying out any development that could directly or indirectly impact the heritage items identified in Table 2 of Appendix 3, the Applicant must conduct subsurface testing to determine appropriate management measures, in

accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (DECCW, 2010), or its latest version.

28. If impacts to the heritage items identified in Table 3 of Appendix 3, prior to carrying out any development that could directly or indirectly impact the heritage items identified in Table 3 of Appendix 3, the Applicant must salvage and relocate the item/s that would be impacted to a suitable alternative location conduct subsurface testing to determine appropriate management measures, in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (DECCW, 2010), or its latest version.

*Note: The locations of the Aboriginal heritage items referred to in this condition are shown in the figure in Appendix 3.*

### **Heritage Management Plan**

29. Prior to the commencement of construction, 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 whose appointment has been endorsed by the Secretary;
  - (b) be prepared in consultation with Heritage NSW and Aboriginal stakeholders;
  - (c) include up to date 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:
    - avoiding the impacts of the development on heritage items identified in Table 1 in Appendix 3;
    - subsurface testing methodology for items identified in Table 2 in Appendix 3;
    - managing impacts on items in Table 3 in Appendix 3;
    - subsurface testing and salvage methodologies prepared in accordance with *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW, 2010) and testing and salvage to involve the Aboriginal stakeholders;
    - process for salvage of items that are unable to be avoided including protection (short and long term), storage and management of salvaged Aboriginal objects; and maintaining and managing reasonable access for Aboriginal stakeholders to cultural heritage items on site;
    - 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
  - (e) ongoing consultation with Aboriginal stakeholders during the implementation of the plan; a program to monitor and report on the results of investigations and effectiveness of these measures and any heritage impacts of the project.

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

### **TRANSPORT**

#### **Designated Heavy and Over-Dimensional Vehicle Routes**

30. The Applicant must ensure that all over-dimensional and heavy vehicle access to and from the site is via Picton Road (Main Road 88), Hume Highway, Cowper Street, Clinton Street, Deccan Street, Fitzroy Street, Crookwell Road and Woodhouselee Road, as identified in the figures in Appendix 4, unless the Secretary agrees otherwise.

*Notes:*

- *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.*

#### **Road Upgrades**

31. Prior to the commencement of construction, the Applicant must prepare a report to identify the required road upgrades for the designated and over-dimensional vehicle routes and site access, to the satisfaction of the relevant roads authority and submit it to the Secretary.

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

32. Prior to the commencement of construction, the Applicant must implement the road upgrades identified in condition 32 of Schedule 3, to the satisfaction of the relevant roads authority.

### Road Maintenance

33. The Applicant must:
- (a) prepare a dilapidation survey of Hume Street, Cowper Street, Clinton Street, Deccan Street, Fitzroy Street, Crookwell Road and Woodhouselee Road in accordance with guidelines and standards established by Austroads of the designated vehicle route, as identified in the figures in Appendix 4:
    - prior to the commencement of any construction and/or decommissioning works, other than pre-construction minor works;
    - within 1 month of the completion of any construction and/or decommissioning works, other than pre-construction minor works;
  - (b) rehabilitate and/or make good any development-related damage:
    - identified during the carrying out of the relevant construction and/or decommissioning works if it could endanger road safety, as soon as possible after the damage is identified, but within 7 days at the latest; and
    - identified during any dilapidation survey carried out following the completion of the relevant construction and/or decommissioning works within 2 months of the completion of the survey, unless the relevant roads authority agrees otherwise,

to the satisfaction of the relevant roads authority.

If the construction and/or decommissioning of the development is to be staged, the obligations in this condition apply to each stage of construction and/or decommissioning.

If there is a dispute about the scope of any remedial works or the implementation of these works, then either party may refer the matter to the Secretary for resolution.

### Unformed Crown Roads

34. The Applicant must ensure any unformed Crown road reserves affected by the development are maintained for future use, unless otherwise agreed with the Crown Lands.

### Traffic Management Plan

35. Prior to the commencement of construction, the Applicant must prepare a Traffic Management Plan for the development in consultation with the relevant roads authority, and to the satisfaction of the Secretary. This plan must include:
- (a) details of the transport route to be used for all development-related traffic;
  - (b) details of the road upgrade works required by condition 32 of Schedule 3 of this consent;
  - (c) details of the measures that would be implemented to minimise traffic impacts during construction, upgrading or decommissioning works, including:
    - details of the dilapidation surveys required by condition 34 of Schedule 3 of this consent;
    - temporary traffic controls, including detours and signage;
    - notifying the local community about development-related traffic impacts;
    - notifying the relevant Council prior to [oversize heavy vehicle movements through the respective local government area](#);
    - procedures for receiving and addressing complaints from the community about development-related traffic;
    - minimising potential cumulative traffic impacts with other State significant development projects in the area;
    - minimising potential for conflict with school buses and other road users as far as practicable, including preventing queuing on the public road network;
    - minimising dirt tracked onto the public road network from development-related traffic;
    - details of the employee shuttle bus service, including pick-up and drop-off points and associated parking arrangements for construction workers, and measures to encourage employee use of this service;
    - encouraging car-pooling or ride sharing by employees;
    - scheduling of haulage vehicle movements to minimise convoy length or platoons;
    - responding to local climate conditions that may affect road safety such as fog, dust, wet weather and flooding;

- responding to any emergency repair or maintenance requirements; and
  - a traffic management system for managing over-dimensional vehicles;
- (d) a driver's code of conduct that addresses:
- driver fatigue;
  - procedures to ensure that drivers adhere to the designated transport routes and speed limits; and
  - procedures to ensure that drivers implement safe driving practices;
- (e) a program to ensure drivers working on the development receive suitable training on the code of conduct and any other relevant obligations under the Traffic Management Plan.
- (f) a detailed program to monitor and report on the effectiveness of these measures and the code of conduct.

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

## AVIATION

### Notification of Aviation Authorities

36. Prior to the construction of any wind turbine or wind monitoring mast, the Applicant must provide the following information to CASA, Airservices Australia, and the RAAF (together the authorities):
- (a) co-ordinates in latitude and longitude of each wind turbine and mast;
  - (b) the final height of each wind turbine and mast in Australian Height Datum;
  - (c) ground level at the base of each wind turbine and mast in Australian Height Datum;
  - (d) confirmation of compliance with any OLS; and
  - (e) details of any proposed aviation hazard lighting.
37. Within 30 days of the installation of any wind turbine or mast, 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.

## TELECOMMUNICATIONS

38. If the development results in the disruption to any radiocommunications or telecommunications 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 notification 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.

## BUSHFIRE

39. The Applicant must:
- (a) ensure that the development:
    - provides for asset protection in accordance with the RFS's *Planning for Bushfire Protection 2019* (or equivalent); and
    - is suitably equipped to respond to any fires on site;
  - (b) develop procedures to manage potential fires on site, in consultation with the RFS; and
  - (c) assist the RFS and emergency services as much as possible if there is a fire in the vicinity of the site.

## EMERGENCY PLAN

40. Prior to commencing construction, the Applicant must develop and implement a comprehensive Emergency Plan and detailed emergency procedures for the development, to the satisfaction of FRNSW and the RFS. The Applicant must keep two copies of the plan on-site in a prominent position adjacent to the site entry points at all times. The plan must:
- (d) be consistent with the RFS's *Planning for Bushfire Protection 2019* (or equivalent);
  - (e) identify the fire risks and hazards and detailed measures for the development to prevent or mitigate fires igniting;
  - (f) list works that should not be carried out during a total fire ban
  - (g) include availability of fire suppression equipment, access and water;
  - (h) include procedures for the storage and maintenance of any flammable materials;
  - (i) detail access provisions for emergency vehicles and contact details for both a primary and alternative site contact who may be reached 24/7 in the event of an emergency;
  - (j) include a figure showing site infrastructure, Asset Protection Zone and the on-site water supply tank;

- (k) include location of hazards (physical, chemical and electrical) that may impact on fire-fighting operations and procedures to manage identified hazards during fire-fighting operations;
- (l) include details of the location, management and maintenance of the Asset Protection Zone and who is responsible for the maintenance and management of the Asset Protection Zone;
- (m) include bushfire emergency management planning; and
- (n) include details of the how RFS would be notified, and procedures that would be implemented, in the event that:
  - there is a fire on-site or in the vicinity of the site;
  - there are any activities on site that would have the potential to ignite surrounding vegetation; or
  - there are any proposed activities to be carried out during a bushfire danger period.

Following approval, the Applicant must implement the Emergency Plan.

## SAFETY

41. The Applicant must:
- (a) prepare a Safety Management System for the development in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 9, 'Safety Management'* prior to the commencement of operation; and
  - (b) implement, and if necessary update, the system over the remaining life of the development.

## WASTE

42. The Applicant must:
- (a) minimise the waste generated by the development;
  - (b) classify all waste generated on site in accordance with the EPA's *Waste Classification Guidelines 2014* (or its latest version);
  - (c) store and handle all waste generated on site in accordance with its classification;
  - (d) not receive or dispose of any waste on site; and
  - (e) ensure all waste is disposed of at appropriately licensed waste facilities.

## REHABILITATION & DECOMMISSIONING

### Rehabilitation Objectives - Decommissioning

43. Within 18 months of the cessation of operations, unless the Secretary agrees otherwise, the Applicant must rehabilitate the site to the satisfaction of the Secretary. This rehabilitation must comply with the objectives in Table 3.

Table 3: Rehabilitation Objectives

<b>Feature</b>	<b>Objective</b>
Development site (as a whole)	<ul style="list-style-type: none"> <li>• Safe, stable and non-polluting</li> <li>• Minimise the visual impact of any above ground ancillary infrastructure agreed to be retained for an alternative use as far as is reasonable and feasible</li> </ul>
Revegetation	<ul style="list-style-type: none"> <li>• Restore native vegetation generally as identified in the EIS</li> </ul>
Above ground wind turbine infrastructure (excluding wind turbine pads)	<ul style="list-style-type: none"> <li>• To be decommissioned and removed, unless the Secretary agrees otherwise</li> </ul>
Wind turbine pads	<ul style="list-style-type: none"> <li>• To be covered with soil and/or rock and revegetated (ie. the wind turbine foundations will not be removed and will remain underground)</li> </ul>
Above ground ancillary infrastructure	<ul style="list-style-type: none"> <li>• To be decommissioned and removed, unless an agreed alternative use is identified to the satisfaction of the Secretary</li> </ul>
Internal access roads	<ul style="list-style-type: none"> <li>• To be decommissioned and removed, unless an agreed alternative use is identified to the satisfaction of the Secretary</li> </ul>
Land use	<ul style="list-style-type: none"> <li>• Restore or maintain land capability as described in the EIS</li> </ul>
Community	<ul style="list-style-type: none"> <li>• Ensure public safety</li> </ul>

### Progressive Rehabilitation

44. The Applicant must:



- (a) rehabilitate all areas of the site not proposed for future disturbance progressively, that is, as soon as reasonably practicable following construction or decommissioning;
- (b) minimise the total area exposed at any time; and
- (c) employ interim rehabilitation strategies to minimise dust generation, soil erosion and weed incursion on parts of the site that cannot yet be permanently rehabilitated.

**Dismantling of Wind Turbines**

45. Any individual wind turbines which cease operating for more than 12 consecutive months must be dismantled within 18 months after that 12 month period, unless the Secretary agrees otherwise.

## SCHEDULE 4 ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

### ENVIRONMENTAL MANAGEMENT

#### Environmental Management Strategy

1. Prior to the commencement of construction, the Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Secretary. This strategy must:
  - (a) provide the strategic framework for environmental management of the development;
  - (b) identify the statutory approvals that apply to the development;
  - (c) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
  - (d) describe the procedures that would be implemented to:
    - keep the local community and relevant agencies informed about the operation and environmental performance of the development;
    - receive, handle, respond to, and record complaints;
    - resolve any disputes that may arise;
    - respond to any non-compliance;
    - respond to emergencies; and
  - (e) include:
    - copies of (or reference to) any strategies, plans and programs approved under the conditions of this consent; and
    - a clear plan depicting all the monitoring to be carried out in relation to the development, including a table summarising all the monitoring and reporting obligations under the conditions of this consent.

Following the Secretary's approval, the Applicant must implement the Environmental Management Strategy.

#### Revision of Strategies, Plans and Programs

2. Within 3 months of the submission of:
  - (a) an incident report under condition 4 below;
  - (b) an independent environmental audit report under condition 6 below; or
  - (c) any modification to the conditions of this consent (unless the conditions require otherwise),

the Applicant must review and, if necessary, revise the strategies, plans, and programs required under this consent to the satisfaction of the Secretary. Where this review leads to revisions in any such document, then within 4 weeks of the review the revised document must be submitted to the Secretary for approval.

*Note: This is to ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the development.*

#### Community Consultative Committee

3. The Applicant must operate a Community Consultative Committee for the development to the satisfaction of the Secretary and in accordance with the *Community Consultative Committee Guidelines for State Significant Project (2016)*, or its latest version.
4. With the Secretary's approval, the CCC required under condition 3 of Schedule 4 may be operated jointly with the Crookwell 2 Wind Farm CCC.

### NOTIFICATIONS

#### Notification of Department

5. Prior to commencing the construction, operations, upgrading or decommissioning of the development or the cessation of operations, the Applicant must notify the Department in writing via the Major Projects website portal of the date of commencement, or cessation, of the relevant phase.
6. If any of these phases of the development are to be staged, then the Applicant must notify the Department in writing prior to commencing the relevant stage, and clearly identify the development that would be carried out during the relevant stage.

### **Final Layout Plans**

7. Prior to commencing construction, the Applicant must submit detailed plans of the final layout of the development to the Department via the Major Projects website, including details on the siting of wind turbines and ancillary infrastructure, via the Major Projects website.

### **Work as Executed Plans**

8. Prior to commencing operations, or following the upgrades of any wind turbines or ancillary infrastructure, the Applicant must submit work as executed plans of the development to the Department via the Major Projects website.

### **Incident Notification**

9. The Department must be notified in writing via the Major Projects website portal immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.

### **Non-Compliance Notification**

10. The Department must be notified via the Major Projects website portal within 7 days after the Applicant becomes aware of any non-compliance with the conditions of this consent. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been done, or will be, undertaken to address the non-compliance.

### **INDEPENDENT ENVIRONMENTAL AUDIT**

11. Within 6 months of the commencement of construction, and every 3 years thereafter, unless the Secretary directs otherwise, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the development.. The audits must:
  - (a) be prepared in accordance with the relevant Independent Audit Post Approval requirements (DPIE 2020);
  - (b) be led and conducted by a suitably qualified, experienced and independent expert/s whose appointment has been endorsed by the Secretary;
  - (c) be carried out in consultation with the relevant agencies;
  - (d) assess whether the development complies with the relevant requirements in this consent, and any strategy, plan or program required under this consent; and
  - (e) if directed by the Secretary, assess whether the performance of any noise mitigation measures implemented, including sector management and sound management mode, ensure compliance with the noise criteria in this consent; and
  - (f) recommend appropriate measures or actions to improve the environmental performance of the development and any strategy, plan or program required under this consent.

Within 3 months of commencing an Independent Environmental Audit, or unless otherwise agreed by the Secretary, a copy of the audit report must be submitted to the Secretary, and any other NSW agency that requests it, together with a response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations.

The recommendations of the Independent Environmental Audit must be implemented to the satisfaction of the Secretary.

### **ACCESS TO INFORMATION**

12. The Applicant must:
  - (a) make the following information publicly available on its website as relevant to the stage of the development:
    - the EIS;
    - the final layout plans for the development;
    - current statutory approvals for the development;
    - approved strategies, plans or programs required under the conditions of this consent;
    - the proposed staging plans for the development if the construction, operation and/or decommissioning of the development is to be staged;

- a comprehensive summary of the monitoring results of the development, which have been reported in accordance with the various plans and programs approved under the conditions of this consent;
  - a complaints register, which is to be updated on a monthly basis;
  - minutes of CCC meetings;
  - the annual Statement of Compliance with the EPL;
  - any independent environmental audit, and the Applicant's response to the recommendations in any audit; and
  - any other matter required by the Secretary; and
- (b) keep this information up to date.
-

**APPENDIX 1  
SCHEDULE OF LAND**

<b>Lot</b>	<b>DP</b>
1	1074987
2	1074987
2	1139846
13	784346
14	784346
191	750054
290	750052
326	750052
7011	96802
<b>Easements</b>	
2	1091383
7300	1139548

*Note: The project site will also be taken to include:*

- *any crown land, and any road reserves contained within the project site;*

**APPENDIX 2  
DEVELOPMENT LAYOUT**

<i>Wind Turbine ID</i>	<i>Coordinates</i>	
	<i>Easting</i>	<i>Northing</i>
A3	741739	6174961
A4	742142	6174888
A5	742545	6174793
A8	741992	6174487
A9	742420	6174375
A10	742163	6174009
A12	742829	6173258
A13	743466	6173101
A15	744163	6173538
A16	743023	6172812
A17	743874	6172823
A20	743049	6172311
A21	743818	6172439
A22	743634	6172076
A24	742983	6171924
A25	743624	6171703



### APPENDIX 3 ABORIGINAL HERITAGE ITEMS

*Table 1: Aboriginal heritage items – avoid impacts*

<b>Recorded Site</b>	<b>Significance</b>	<b>Mitigation</b>
Crookwell WF12	Low	No impact proposed
Crookwell WF16	Low	No impact proposed
Hillview Park 4	Low	No impact proposed
Hillview Park 5	Low	No impact proposed

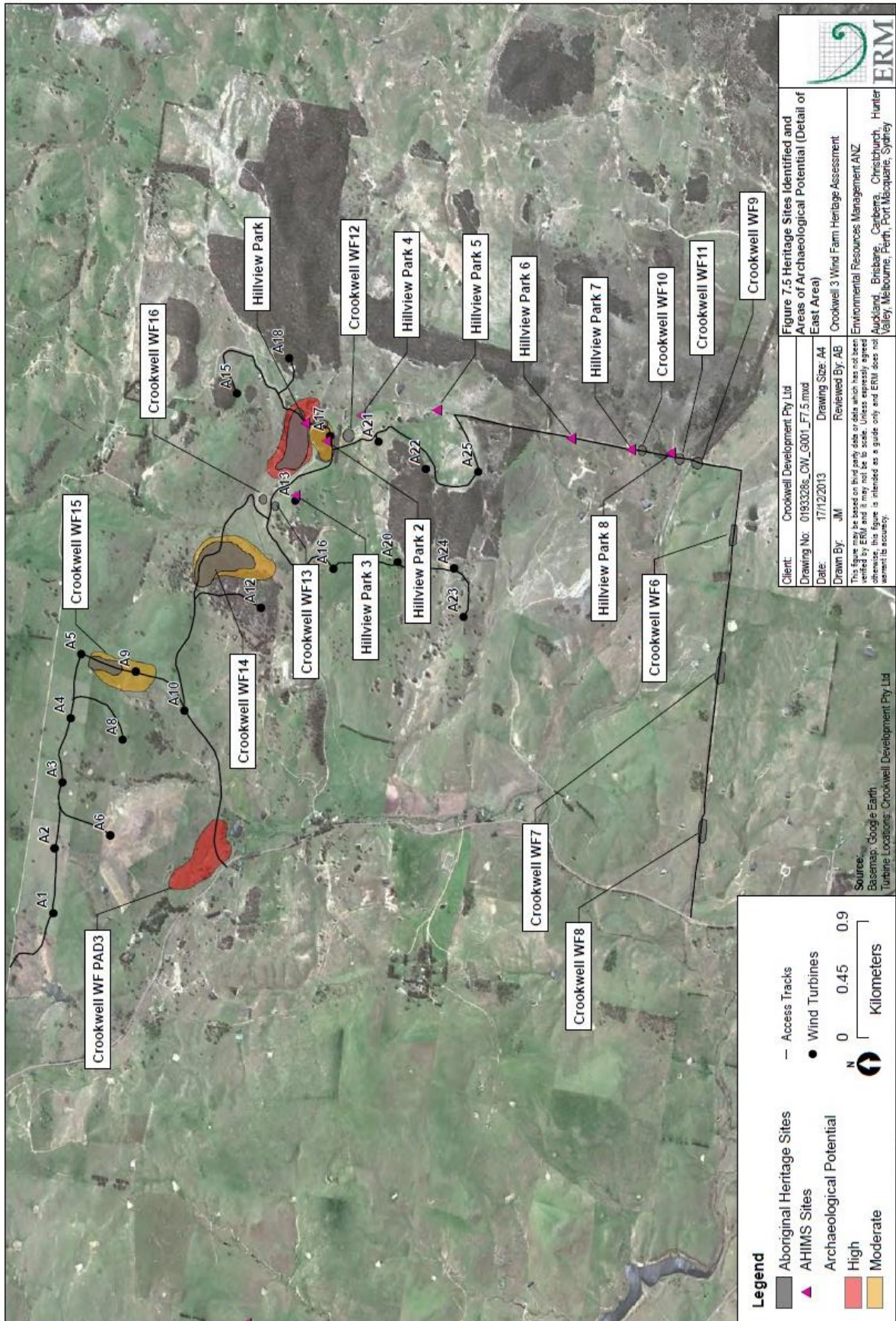
*Table 2: Aboriginal heritage items – further assessment*

<b>Recorded Site</b>	<b>Significance</b>	<b>Mitigation</b>
Hillview Park	Moderate	Avoid if possible otherwise subsurface testing to determine extent and nature of site and management measures
Hillview Park 2	Moderate	Avoid if possible otherwise subsurface testing to determine extent and nature of site and management measures
Hillview Park 8	Moderate	Avoid if possible otherwise subsurface testing to determine extent and nature of site and management measures
Crookwell WF14	Moderate	Avoid if possible otherwise subsurface testing to determine extent and nature of site and management measures
Crookwell WF PAD 3	Moderate	Avoid if possible otherwise subsurface testing to determine extent and nature of site and management measures
Crookwell WF15	Moderate	Avoid if possible otherwise subsurface testing to determine extent and nature of site and management measures

*Table 3: Aboriginal heritage items – minimise impacts*

<b>Recorded Site</b>	<b>Significance</b>	<b>Mitigation</b>
Hillview Park 3	Low	Avoid if possible otherwise salvage
Hillview Park 6	Low	Avoid if possible otherwise salvage
Hillview Park 7	Low	Avoid if possible otherwise salvage
Crookwell WF6	Low	Avoid if possible otherwise salvage
Crookwell WF7	Low	Avoid if possible otherwise salvage
Crookwell WF8	Low	Avoid if possible otherwise salvage
Crookwell WF9	Low	Avoid if possible otherwise salvage
Crookwell WF10	Low	Avoid if possible otherwise salvage
Crookwell WF11	Low	Avoid if possible otherwise salvage
Crookwell WF13	Low	Avoid if possible otherwise salvage







### APPENDIX 4 OVER-DIMENSIONAL AND HEAVY VEHICLE ACCESS ROUTE RESTRICTIONS

