

# Development Consent

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

As delegate of the Minister for Planning, I approve the development application referred to in schedule 1, subject to the conditions in schedules 2 to 4.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.



**Marcus Ray**  
Deputy Secretary  
Planning Services

Sydney

27/03 /

2018

### SCHEDULE 1

<b>Application Number:</b>	SSD 6696
<b>Applicant:</b>	Epuron Pty Ltd
<b>Consent Authority:</b>	Minister for Planning
<b>Land:</b>	See Appendix 1
<b>Development:</b>	Liverpool Range Wind Farm

## TABLE OF CONTENTS

<b>DEFINITIONS</b>	<b>3</b>
<b>ADMINISTRATIVE CONDITIONS</b>	<b>5</b>
Obligation to Minimise Harm to the Environment	5
Terms of Consent	5
Limits on Consent	5
Notification	6
Structural Adequacy	6
Demolition	6
Protection of Public Infrastructure	6
Operation of Plant and Equipment	6
Updating & Staging Strategies, Plans or Programs	7
Community Enhancement	7
<b>ENVIRONMENTAL CONDITIONS – GENERAL</b>	<b>8</b>
Visual	8
Noise	9
Air	10
Soil & Water	10
Biodiversity	11
Heritage	13
Transport	13
Aviation	15
Radiocommunications	16
Bushfire	16
Safety	16
Waste	16
Rehabilitation & Decommissioning	17
<b>ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING</b>	<b>18</b>
Environmental Management	18
Incident Notification	18
Non-Compliance Notification	18
Independent Environmental Audit	19
Access to Information	19
<b>APPENDIX 1: SCHEDULE OF LAND</b>	<b>20</b>
<b>APPENDIX 2: DEVELOPMENT LAYOUT</b>	<b>23</b>
<b>APPENDIX 3: GENERAL TERMS OF APPLICANT'S VPA OFFER</b>	<b>28</b>
<b>APPENDIX 4: NOISE COMPLIANCE ASSESSMENT</b>	<b>29</b>
<b>APPENDIX 5: HERITAGE ITEMS</b>	<b>30</b>
<b>APPENDIX 6: SCHEDULE OF ROAD UPGRADES</b>	<b>33</b>
<b>APPENDIX 7: OVER-DIMENSIONAL AND HEAVY VEHICLE ACCESS ROUTE RESTRICTIONS</b>	<b>37</b>

## 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 and internal roads
Applicant	Epuron Pty Ltd, or any person carrying out the development approved under this consent
BCA	Building Code of Australia
CASA	Civil Aviation Safety Authority
CCC	Community Consultative Committee
CEEC	Critically endangered ecological community, as defined under the EPBC Act
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
Councils	Mid-Western Regional Council, Upper Hunter Shire Council and Warrumbungle Shire Council
CPI	Consumer Price Index
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 and Environment
Development	The development described in the EIS, as modified by the conditions of this consent
Development corridor	The corridor shown in the figures in Appendix 2
EEC	Endangered ecological community, as defined under the TSC Act
EIS	The Environmental Impacts Statement titled <i>Liverpool Range Wind Farm Environmental Assessment</i> , prepared by Epuron Pty Ltd and dated July 2014, as modified by the <i>Liverpool Range Wind Farm Response to Submissions Report</i> , prepared by Epuron Pty Ltd and dated May 2017.
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
EPBC Act	<i>Environmental Protection and Biodiversity Conservation Act 1999</i>
EPL	Environment Protection Licence issued under the POEO Act
Evening	The period from 6pm to 10pm
Feasible	Feasible relates to engineering considerations and what is practical to build or implement
Heavy vehicle	As defined under the <i>Heavy Vehicle National Law (NSW)</i> , 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
Incident	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
Minister	Minister for Planning, or delegate
Mitigation	Activities associated with reducing the impacts of the development

Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and NSW Public Holidays
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
NP&W Act	<i>National Parks and Wildlife Act 1974</i>
OEHS	Office of Environment and Heritage
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, excavation or salvage;</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; 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, 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 that was lodged but not yet determined at the date of this consent once a final occupation certificate has been issued for the dwelling
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
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
TSC Act	<i>Threatened Species Conservation Act 1995</i>
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 addition to 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, 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.

### **LIMITS ON CONSENT**

#### **Wind Turbines**

5. The Applicant may construct, operate and replace or upgrade as necessary up to 267 wind turbines.

*Notes:*

- *To identify the wind turbines, see the figures and corresponding GPS coordinates (for those wind turbines approved) in Appendix 2.*
- *To avoid any doubt, the Applicant does not require additional approval 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.*

6. No wind turbines may be located within 100 metres of the site boundary, unless otherwise agreed by the adjoining landowner.

#### **Wind Turbine Height**

7. No wind turbines may be greater than 165 metres in height (measured from above ground level to the blade tip).

#### **Micro-siting Restrictions**

8. The Applicant may micro-site the wind turbines and ancillary infrastructure without further approval provided:
  - (a) they remain within the development corridor shown on the figures in Appendix 2;
  - (b) no wind turbine is moved more than 100 metres from the relevant GPS coordinates shown in Appendix 2;
  - (c) the revised location of the blade of a wind turbine is at least 50 metres from the canopy of existing hollow-bearing trees; or where the proposed location of the blade of a wind turbine is already within 50 metres of the canopy of existing hollow-bearing trees, the revised location is not any closer to the existing hollow-bearing trees;
  - (d) the revised location of the wind turbine and/or ancillary infrastructure would not result in any non-compliance with the conditions of this consent.

## Staging of the Development

9. The Applicant may construct, operate and decommission the development in stages.

Where staging of the development is proposed, the conditions of this consent are only required to be complied with at the relevant time and to the extent that they are relevant to the specific stage(s).

## Final Layout Plans

10. Prior to the commencement of construction, 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; and
  - (b) the GPS coordinates of the wind turbines.

The Applicant must ensure that the development is constructed in accordance with the final layout plans.

## NOTIFICATION

11. Prior to the commencement of the construction, operation and/or decommissioning of the development or the cessation of operations, the Applicant must notify both the Department and the Councils in writing of the date of commencement or cessation.

If the construction, operation and/or decommissioning of the development is to be staged, then the Applicant must:

- (a) notify both the Department and the Councils 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 Consultative Committee about the proposed staging plans.

## STRUCTURAL ADEQUACY

12. 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 6 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

13. 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

14. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and
  - (b) 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

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

## UPDATING & STAGING OF STRATEGIES, PLANS OR PROGRAMS

16. 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 the agreement of the Secretary, the Applicant may prepare any revised 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 all 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

17. Prior to the commencement of construction, unless the Secretary agrees otherwise, the Applicant must enter into a VPA with Upper Hunter Shire Council and Warrumbungle Shire Council in accordance with:
- (a) Division 7.1 of Part 7 of the EP&A Act; and
  - (b) the terms of the applicable offer in Appendix 3.

### SCHEDULE 3 ENVIRONMENTAL CONDITIONS - GENERAL

#### VISUAL

##### Visual Impact Mitigation

1. For a period of 5 years from the commencement of construction, the owner of:
  - (a) any non-associated residence listed in Table 1; or
  - (b) any non-associated residence within 4 km of any approved 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).

Table 1: Visual impact mitigation upon request

Residence	Characterisation of impact
C4-2, C4-3, C4-4, C5-1, C5-2, C5-3, C5-4, C5-5, C7-2, D7-1, D7-7, E7-1, E7-2, and 121 Cooinda Road, Cassilis	Moderate

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 there is a dispute about the implementation of these measures between the Applicant and the owner, including the need for mitigation 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 construction, they should consider the merits of delaying this request until the relevant wind turbines are visible from their residence.

##### Visual Appearance

2. 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

3. 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

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

## NOISE

### Additional Mitigation Upon Request

5. For the duration of the period of construction, upon receiving a written request from the owner of the residence listed in Table 2, the Applicant shall implement additional noise mitigation measures (such as double glazing, insulation, fencing and/or air conditioning) at the residence in consultation with the owner. These measures must be reasonable and feasible and directed towards reducing the noise impacts of construction traffic associated with the development on the residence.

If within 3 months of receiving this request from the owner, 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.

*Table 2: Residence subject to noise mitigation upon request agreement*

<b>Residence</b>	<b>Lot/DP</b>
D7-3	141/750744
D7-4	143/750744
E7-1	22/1157809
E9-3	171/750771

*Note: To identify the residence referred to in Table 2, see the applicable tables and figures in Appendix 2.*

### Construction & Decommissioning Noise

6. The Applicant must:
  - (a) minimise the construction or decommissioning noise of the development, including any associated traffic noise; and
  - (b) 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.
7. Unless the Secretary agrees otherwise, the Applicant must only undertake construction or decommissioning activities between:
  - (a) 7 am to 6 pm Monday to Friday;
  - (b) 8 am to 1 pm Saturdays; and
  - (c) 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:

- activities that are inaudible at non-associated residences;
- 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

8. The Applicant may only carry out blasting on site between 9 am and 5 pm Monday to Friday and between 8 am to 1 pm on Saturday. No blasting is allowed on Sundays or public holidays.
9. The Applicant must ensure that any blasting carried out on site does not exceed the criteria in Table 3.

Table 3: 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

10. The Applicant must ensure that the noise generated by the operation of wind turbines does not exceed the relevant criteria in Table 4 at any non-associated residence.

Table 4: Noise criteria dB(A)

Residence	Criteria (dB(A)) with Reference to Hub Height Wind Speed (m/s)									
	3	4	5	6	7	8	9	10	11	12
G6-2, G6-3, H6-3	35	35	35	35	35	35	36	37	38	39
C4-8, C4-9, C5-2, C5-6, C5-9	35	35	35	35	35	35	35	35	37	40
C6-1, C6-3, C6-4	35	35	35	35	35	35	35	35	35	36
C2-3, D7-4, E2-1, E7-2, E8-5, E9-2, F2-1, F2-4, F8-1, F9-1, G9-1, G9-4, H7-1, H8-1	35	35	35	35	35	35	35	35	35	35
All other non-associated residences	The higher of 35 dB(A) or the existing background noise level (LA90 (10-minute)) plus 5 dB(A)									

Note: To identify the residences referred to in Table 4, see the applicable figures 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 4.

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

11. The Applicant must ensure that the noise generated by the operation of ancillary infrastructure does not exceed 35 dB(A) LAeq(15 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) as modified by the provisions in Appendix 4.

## Operational Noise Monitoring

12. Within 6 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.
13. The Applicant must undertake further noise monitoring of the development if required by the Secretary.

## AIR

14. 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

15. 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

16. 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.*

### Operating Conditions

17. The Applicant must:
- (a) ensure the wind turbine pads, ancillary infrastructure, access roads and any other land disturbances have appropriate drainage and erosion and sediment controls designed, installed and maintained in accordance with *Managing Urban Stormwater - Soils and Construction Volume 1* (Landcom, 2004) and *Managing Urban Stormwater – Soils and Construction Volume 2C Unsealed Roads* (DECC, 2008), or their latest versions, to minimise erosion and control sediment generation;
  - (b) 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;
  - (c) 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;
  - (d) ensure the concrete batching plants and substation are suitably bunded; and
  - (e) 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

18. The Applicant must:
- (a) ensure that no more than 200.85 hectares (ha) of White-Box-Yellow Box-Blakely's Red Gum Woodland EEC, including native pasture, is cleared for the development, unless the Secretary agrees otherwise;
  - (b) ensure that no more than 10.37 ha of the EPBC Act listed White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland Ecological Community is cleared for the development, unless the Secretary agrees otherwise; and
  - (c) 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

19. Prior to the commencement of construction, 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 *Framework for Biodiversity Assessment* under the *NSW Biodiversity Offset Policy for Major Projects*, in consultation with OEH, and to the satisfaction of the Secretary.
20. Within two years of the commencement of construction, unless the Secretary agrees otherwise, the Applicant must retire the required biodiversity credits, to the satisfaction of OEH.

The retirement of the credits must be carried out in accordance with the *NSW Biodiversity Offsets Policy for Major Projects*, and can be achieved by:

- (a) acquiring or retiring 'biodiversity credits' within the meaning of the *Biodiversity Conservation Act 2016*;
- (b) making payments into an offset fund that has been established by the NSW Government; or
- (c) providing suitable supplementary measures.

*Note: Following repeal of the TSC Act on 25 August 2017, credits created under that Act are taken to be 'biodiversity credits' under the Biodiversity Conservation Act 2016, in accordance with clause 22 of the Biodiversity Conservation (Savings and Transitional) Regulation 2017.*

### **Biodiversity Management Plan**

21. 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 OEHL; 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 flora and fauna species, migratory species and 'at risk' species;
    - 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**

22. Prior to the commissioning of any wind turbines, the Applicant must prepare a Bird and Bat Adaptive Management Plan for the development in consultation with OEHL, 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 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;
  - prompt carcass removal;
  - controlling pests; 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 (including detailed consideration of favourable eucalyptus flowering events); 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;
- (f) provisions for a copy of the all raw data collected as part of the monitoring program to be submitted to OEHL and the Secretary.

Following the Secretary's approval, the Applicant must implement the Bird and Bat Adaptive Management Plan.

## HERITAGE

### Protection of Heritage Items

23. The Applicant must:
- (a) ensure the development does not cause any direct or indirect impacts on the Aboriginal and European heritage items identified in Table 1 in Appendix 5, or located outside the approved development corridor;
  - (b) minimise any impacts on the Aboriginal heritage items identified in Table 2 in Appendix 5; and
  - (c) undertake a program of salvage excavation at the landform units adjacent to creek lines identified in Table 3 in Appendix 5, if impacts to them cannot be avoided.

*Note: The locations of the Aboriginal and European heritage items referred to in this condition are shown in the figure in Appendix 5.*

### Heritage Management Plan

24. 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 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 the Aboriginal and European heritage items identified in Table 1 in Appendix 5, including fencing off the items prior to commencing construction and/or pre-construction minor works, and protecting any items located outside the approved development corridor;
    - minimising and managing the impacts of the development on Aboriginal heritage items within the development corridor, including:
      - undertaking test excavations and salvage (if required) at the landform units identified in Table 3 in Appendix 5, where impacts cannot be avoided;
      - a strategy for the long-term management of any Aboriginal and European heritage items or material collected during the test excavation or salvage works;
    - 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.

## TRANSPORT

### Additional Mitigation Upon Request

25. Prior to the commencement of construction, the Applicant must implement additional mitigation measures (such as the construction of replacement stockyards or providing additional traffic management measures, which could include the use of portable traffic lights and/or variable message signs) in consultation with the owners of the properties listed in Table 5. These measures must be reasonable and feasible and directed towards reducing the impacts of construction traffic associated with the development on agricultural activities.

All mitigation measures must be implemented prior to any over-dimensional and/or heavy vehicle traffic associated with the construction of the development commencing the use of the applicable road.

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.

Table 5: Properties subject to additional mitigation measures

Property	Road
'Gundare', 'Leeton' and 'Maringa'	Coolah Creek Road
'Tallue'	Turee Vale Road

Note: To identify the roads referred to in Table 5, see the applicable figures in Appendix 7.

### Designated Heavy and Over-Dimensional Vehicle Routes

26. The Applicant must ensure that all over-dimensional and heavy vehicle access to and from the site is via the designated routes identified in the figures in Appendix 7, unless the applicable roads authority 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.
- To avoid any doubt, this consent does not allow the use of Cooks Drive, Gundare Road, Tongy Road, Vinegaroy Road between Coolah Creek Road and Cunningham Street, Black Stump Way, Mountain Side Road, Town Wells Road, Yattendon Road and Access Points 18, 25 and 26 as over-dimensional or heavy vehicle access routes.

27. Access Point 9 from Vinegaroy Road is only to be used during construction and decommissioning of the turbines and only when a Traffic Control Plan prepared to the satisfaction of RMS is in place. At the completion of construction and decommissioning, the access point is to be removed, and any gates to be replaced with fencing.

### Road Upgrades

28. The Applicant must:
- implement the road upgrades identified in Appendix 6 in accordance with the relevant timing requirements; and
  - upgrade or relocate cattle grids along the designated over-dimensional and heavy vehicle route, as necessary, prior to the commencement the use of the relevant road for any over-dimensional or heavy vehicle traffic associated with the construction of the development, to the standard and satisfaction of the relevant roads authority.

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.

### Road Maintenance

29. The Applicant must:
- prepare a dilapidation survey in accordance with guidelines and standards established by Austroads of the designated over-dimensional and heavy vehicle routes located on the local and regional road network:
    - prior to the commencement of any construction or decommissioning works other than pre-construction minor works;
    - within 1 month of the completion of any construction or decommissioning works other than pre-construction minor works;
    - on an annual basis during construction works;
    - with the use of a laser profilometer vehicle and equipment for existing bitumen sealed roads;
    - utilising a photographic visual assessment on existing unsealed roads;
  - rehabilitate and/or make good any development-related damage:
    - identified during the carrying out of the relevant construction and/or decommissioning works or by the relevant roads authority during routine inspections 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

30. The Applicant must ensure any unformed Crown road reserves affected by the development are maintained for future use, unless otherwise agreed with the NSW Department of Industry – Crown Lands and Water.

## Traffic Management Plan

31. Prior to the commencement of construction, the Applicant must prepare a Traffic Management Plan for the development in consultation with RMS and the Councils, and to the satisfaction of the Secretary. This plan must:
- (a) detail the measures that would be implemented to:
    - minimise the traffic safety impacts of the development and disruptions to local road users during the construction and decommissioning of the development, including:
      - temporary traffic controls, including detours and signage;
      - mitigation measures to achieve Safe Intersection Sight Distance requirements at the Vinegaroy Road/ access point 9 intersection;
      - notifying the local community about development-related traffic impacts;
      - minimising potential conflict between development-related traffic and:
        - stock movements;
        - domestic animals;
        - school buses, in consultation with local schools; and
        - mining related traffic;
      - implementing measures to minimise development-related traffic on the public road network outside of standard construction hours;
      - ensuring development-related traffic does not track dirt onto the public road network;
      - ensuring loaded vehicles entering or leaving the site have their loads covered or contained;
      - providing sufficient parking on site for all development-related traffic;
      - responding to any emergency repair requirements or maintenance during construction and/or decommissioning;
      - a traffic management system for managing over-dimensional vehicles; and
      - fatigue management;
    - comply with the traffic conditions in this consent;
  - (b) include a drivers code of conduct that addresses:
    - travelling speeds;
    - procedures to ensure that drivers to and from the development adhere to the designated over-dimensional and heavy vehicle routes; and
    - procedures to ensure that drivers to and from the development implement safe driving practices;
  - (c) include 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

### Mitigation of Aviation-Related Impacts

32. The Applicant must carry out the development in accordance with the *National Airports Safeguarding Framework Guideline D: Managing the Risk to Aviation Safety of Wind Turbine Installations (Wind Farms)/Wind Monitoring Towers*, or its latest version.

### Notification of Aviation Authorities

33. 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.
34. Within 30 days of the practical completion 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.

### **Aerial agricultural activities**

35. The owner of any property immediately adjacent to the site may ask the Applicant, to implement mitigation measures for situations where pre-existing aerial agricultural activities are affected by the erection and/or operation of wind turbines.

These mitigation measures must be reasonable and feasible, aimed at reducing the impacts to aerial agricultural activities, and commensurate with the level of impact on the owner. This could include funding the cost difference between the pre-development aerial agricultural activities and a reasonable alternative method and/or stopping wind turbines during aerial agricultural activities and aligning them as required by the aerial operator.

If within 3 months of receiving this request from the owner, 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.

### **RADIOCOMMUNICATIONS**

36. 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 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**

37. The Applicant must:
- (a) ensure that the development:
    - provides for asset protection in accordance with the RFS's *Planning for Bushfire Protection 2006* (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.

### **SAFETY**

38. 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 commissioning any wind turbines on site; and
  - (b) implement, and if necessary update, the system over the remaining life of the development.

### **WASTE**

39. 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

40. 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 5.

Table 5: Rehabilitation Objectives

<i>Feature</i>	<i>Objective</i>
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</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

41. 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

42. 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.

### **INCIDENT NOTIFICATION**

4. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) immediately after the Applicant becomes aware of the 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**

5. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within 7 days after the Applicant becomes aware of any non-compliance. 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

6. Within 6 months of the commencement of construction, and every 3 years thereafter, unless the Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit (audit) of the development. These audits must:
- (a) be led and conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;
  - (b) be carried out in consultation with the relevant agencies;
  - (c) assess whether the development complies with the relevant requirements in this consent, and any strategy, plan or program required under this consent; and
  - (d) 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 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 must be implemented to the satisfaction of the Secretary.

## ACCESS TO INFORMATION

7. 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**

Lot	DP
45	750744
28	511950
1	131752
1	659801
231	750763
136	750763
227	750763
229	750763
134	750763
232	750763
226	750763
129	750763
133	750763
228	750763
167	750763
135	750763
132	750763
230	750763
96	750763
130	750763
103	750763
131	750763
2	750763
51	561116
162	750744
172	750744
115	750744
44	750744
173	750744
113	750744
170	750744
119	750744
47	750744
27	750744
114	750744
118	750744
112	1083285
10	754969
62	750738
56	750738
5	522746
4	232010
24	750738

Lot	DP
7	132085
4	754969
9	132085
1	1178469
8	754969
6	754969
8	132085
15	754969
1	754969
12	754969
11	754969
13	754969
108	750744
61	750744
36	750744
57	750744
103	750744
169	750744
151	750738
44	750738
164	750738
61	750738
29	750738
60	750744
171	750744
25	750744
110	750744
159	750738
152	750738
30	750738
46	750744
109	750744
45	750738
43	750738
23	750744
60	750738
104	750744
2	1096238
34	750763
77	750763
127	750763
116	750763
138	750763

Lot	DP
102	750744
104	750738
106	750744
59	750738
25	750738
28	750738
26	750744
B	418915
117	750744
42	750738
26	750738
105	750744
14	750738
1	1096238
107	661247
1	397494
74	750775
73	750775
1	798400
137	750738
9	42211
8	42211
3	131788
20	750775
102	186048
11	750775
71	750775
2	519117
23	750775
21	750775
138	750738
24	750775
101	750738
19	750775
25	750775
1	397042
7	42211
1	397495
119	750763
100	750763
126	750763
105	750763
139	750763

Lot	DP
10	42211
72	750775
100	750738
18	750775
1	131761
1	397043
110	750775
22	750775
70	750775
1	131751
45	750775
4	131788
2	131788
108	750775
120	43547
3	131761
1	397493
47	1083075
1	131788
2	131761
5	1125257
1	879624
11	1073728
129	750771
4	706362
2	1090231
13	1073728
10	1073728
3	1090231
1	1090231
4	1090231
100	750748
155	750738
34	750738
55	750738
50	750775
58	750738
2	258902
220	750763
9	223584
22	223589
20	223589
29	226028

Lot	DP
16	750738
18	750738
35	750738
2	614827
33	750738
57	750738
A	418915
115	41493
63	750738
27	750738
4	258902
5	522745
49	750738
36	750738
38	750738
75	750763
35	750763
142	750763
115	750763
245	750763
80	750763
7	223584
121	750763
236	750763
120	750763
234	750763
140	750763
93	750763
123	750763
27	511950
12	223584
41	750738
3	522745
22	750738
53	750738
150	750738
46	750738
64	750738
68	750738
1	1113702
153	750738
1	363098
14	754969
21	998524
24	754969

Lot	DP
252	750763
114	750763
247	750763
50	750763
251	750763
51	750738
19	750738
51	750763
92	750763
117	750763
79	750763
137	750763
128	750763
233	750763
125	750763
122	750763
253	750763
33	750763
37	750738
14	223584
5	258902
11	223584
49	750763
144	750763
94	750763
235	750763
76	750763
246	750763
74	750763
118	750763
84	750738
106	750763
3	258902
18	223584
82	750775
90	750738
116	41493
73	750738
160	750738
93	750738
85	750775
23	750738
4	750775
69	750775
89	750738

Lot	DP
17	223584
1	651613
15	1073728
2	747190
1	706361
2	242557
12	1073728
14	1073728
1	1102992
19	754968
48	754968
3	540639
62	750769
2	580750
2	502632
2	864461
1	580750
3	754969
2	754969
7	754969
44	535078
2	531707
32	226029
3	223581
42	535077
31	226028
165	750763
1	223581
148	750763
30	226028
91	750775
40	750763
101	750763
97	750738
78	750738
81	750738
96	750738
117	42124
2	232010
1	614906
72	750736
122	750744
1	249619
7003	96916
42	750763

Lot	DP
37	750763
8	223584
102	750763
33	226029
52	750748
136	750748
53	750748
18	750748
87	750738
1	1121270
82	750736
9	754969
1	1045523
171	750738
5	754969
1	363099
51	42212
2	1107124
2	1102992
1	1107124
168	750738
67	750738
69	750738
86	750738
154	750738
2	1113702
98	750738
173	750738
167	750738
66	750738
108	750738
157	750738
1	363100
1	112903
22	750741
24	750741
8	750741
4	750741
27	750741
35	750741
2	112903
11	750741
7	750741
29	750741
45	754968

Lot	DP
32	750738
85	750738
19	754969
23	754969
166	750738
74	750738
54	750775
162	750738
14	750775
76	750738
156	750738
92	750738
83	750775
10	750775
88	750738
40	750738
47	750738
1	614827
5	750775
106	750738
1	1097739
72	750738
4	522745
2	522745
75	750738
103	750738
3	750775
14	114309
20	754969
1	843798
2	843798
25	721763
161	750738

Lot	DP
1	522745
55	750775
9	750775
6	750775
119	42183
91	750738
96	750775
43	750775
12	734934
13	223584
24	223589
109	750763
19	223584
26	223589
16	223584
166	750763
98	750763
15	223584
10	223584
97	750763
21	223589
94	750738
80	750738
79	750738
39	750738
95	750738
1	864461
7009	1128119
83	704077
7300	1136299
7303	1143562
7008	1128119
4	249619

Lot	DP
4	375907
55	721261
121	43547
54	721261
122	43547
2	249619
79	722910
150	722911
52	42212
7001	1030462
1	747190
26	750741
71	750741
5	750741
10	750741
65	750741
25	750741
19	750741
57	750741
12	750741
67	750741
30	750741
52	561116
23	750741
28	750741
33	755439
55	722794
5	256129
13	256129
7002	96915
43	736630
43	736630
5	883170

Lot	DP
1	847023
66	750741
56	750741
168	750763
62	750763
27	750763
250	750763
1	258902
63	750763
1	431692
73	750736
4	1214133
61	750736
87	750771
69	750771
1	191806
3	1081382
63	750769
1	191805
78	750771
8	114309
73	750771
76	750771
127	750771
4	1081382
6	114309
94	750769
161	750748
26	721763
164	750748
96	750769

## APPENDIX 2 DEVELOPMENT LAYOUT

Turbine No.	Easting	Northing
1	770076	6478547
2	767027	6475684
3	768975	6478651
4	772155	6488316
5	767868	6483146
6	768340	6484770
7	771399	6478445
8	769364	6486587
9	769077	6486050
10	767611	6482866
11	768942	6485623
12	773462	6488920
13	772771	6489554
14	767233	6472810
15	772795	6488857
16	771107	6477789
17	774999	6468488
18	772999	6479156
19	767804	6483810
20	773216	6480602
21	772026	6485906
22	767419	6474100
23	763851	6473510
24	768879	6478264
25	771935	6479013
26	776474	6482738
27	765079	6475815
28	772056	6479383
29	771536	6484335
30	772939	6480332
31	770565	6476714
32	771718	6478669
33	770391	6478774
34	775357	6481910
35	772920	6478645
36	765379	6476318
37	774416	6481096
38	773621	6480883
39	771190	6476835

Turbine No.	Easting	Northing
40	770314	6476427
41	766284	6477441
42	767243	6482687
43	772073	6486348
44	770232	6474872
45	768004	6488944
46	770127	6476095
47	772028	6476797
48	774823	6481724
49	767644	6477650
50	770307	6475342
51	771407	6475263
52	765461	6474258
53	767282	6473264
54	768151	6478599
55	767356	6473655
56	765853	6476132
57	772491	6487064
58	771566	6475625
59	771956	6476318
60	765798	6474962
61	763858	6474324
62	775463	6482426
63	765881	6475371
64	765620	6474610
65	766415	6476470
66	764609	6475171
67	772438	6479983
68	763962	6473880
70	774691	6480596
71	765862	6486760
72	766603	6476812
73	764167	6474538
74	764362	6474877
75	767320	6478205
76	764872	6475454
77	767255	6475257
78	770713	6490145
79	768108	6477995

Turbine No.	Easting	Northing
80	767421	6474554
81	766101	6475679
82	767303	6477485
83	771052	6490298
84	764734	6486809
85	776415	6485184
86	765167	6486951
87	769362	6491125
88	769873	6490338
89	766168	6487021
90	766300	6476108
91	765539	6487263
93	768112	6489669
94	771777	6475943
95	767350	6488417
96	775685	6482767
97	768103	6489262
98	768508	6489806
99	768706	6485319
100	764455	6486093
101	766282	6487376
102	764893	6476853
103	767808	6474713
104	769725	6489975
105	764607	6486446
106	767665	6488646
107	772837	6490014
108	778650	6484175
109	768577	6490200
110	767073	6488036
111	768871	6490566
112	773523	6489630
113	765671	6486432
114	772199	6486798
115	772938	6485936
116	764348	6485719
117	770861	6487435
118	771150	6487642
119	773069	6486701

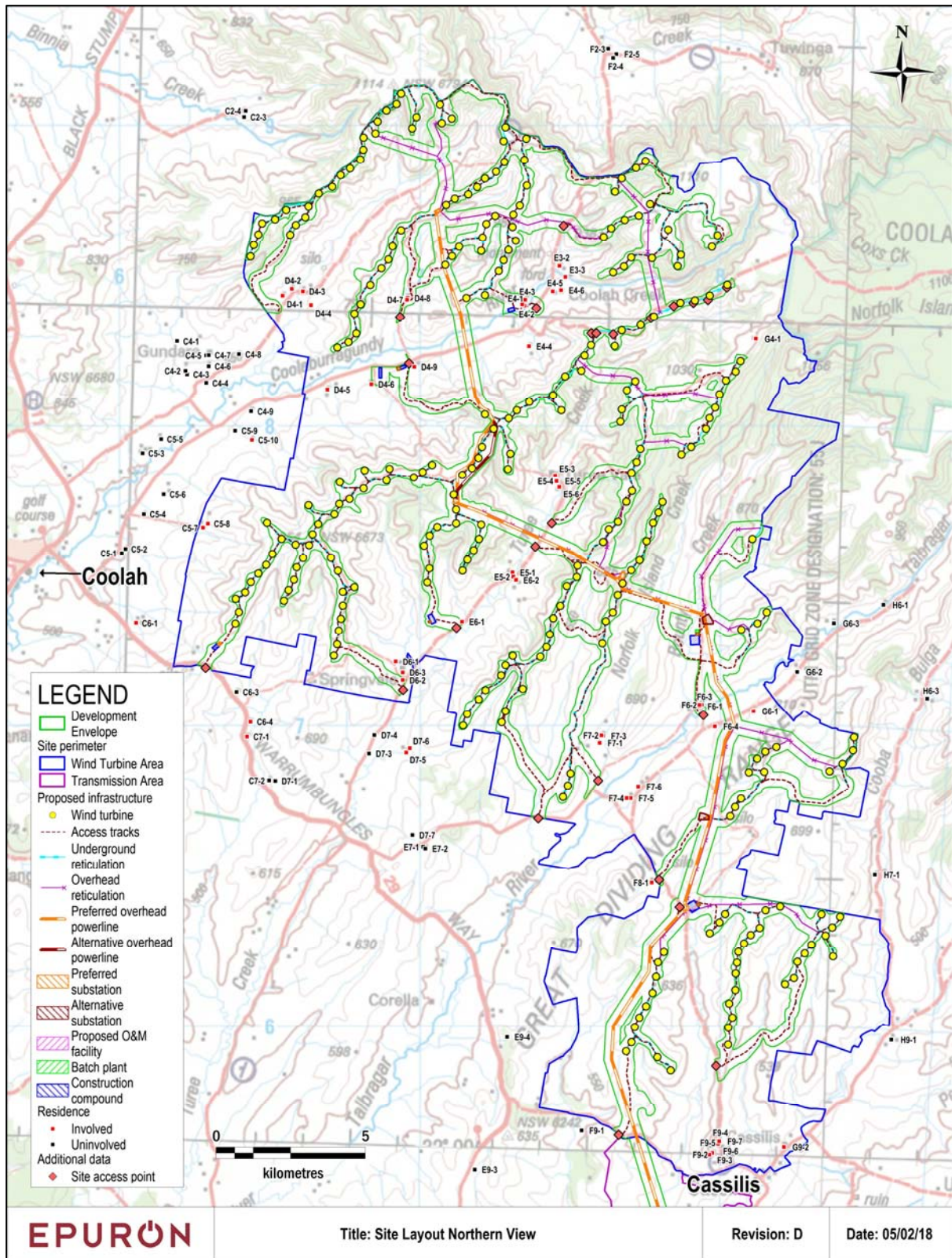
Turbine No.	Easting	Northing
120	770653	6490762
121	766621	6487807
122	773174	6486241
123	769206	6490778
124	771597	6487787
125	773094	6487107
126	767127	6472425
127	771289	6486039
128	772768	6485595
129	772611	6485236
130	771190	6477293
131	767143	6477146
132	771893	6488024
133	771061	6485729
134	773313	6487417
135	770832	6485440
136	772157	6480467
137	773547	6488078
138	772519	6488535
139	772157	6484436
140	768013	6484128
141	769784	6478362
142	777496	6488887
143	776175	6473575
144	774913	6468081
145	776707	6488311
146	777922	6477194
147	777178	6488662
148	777032	6478516
149	776875	6481267
150	776086	6476221
151	774422	6473676
152	779960	6481127
153	772835	6470561
154	776102	6486364
155	777272	6487078
156	777646	6487456
157	779625	6480335
158	778687	6479123

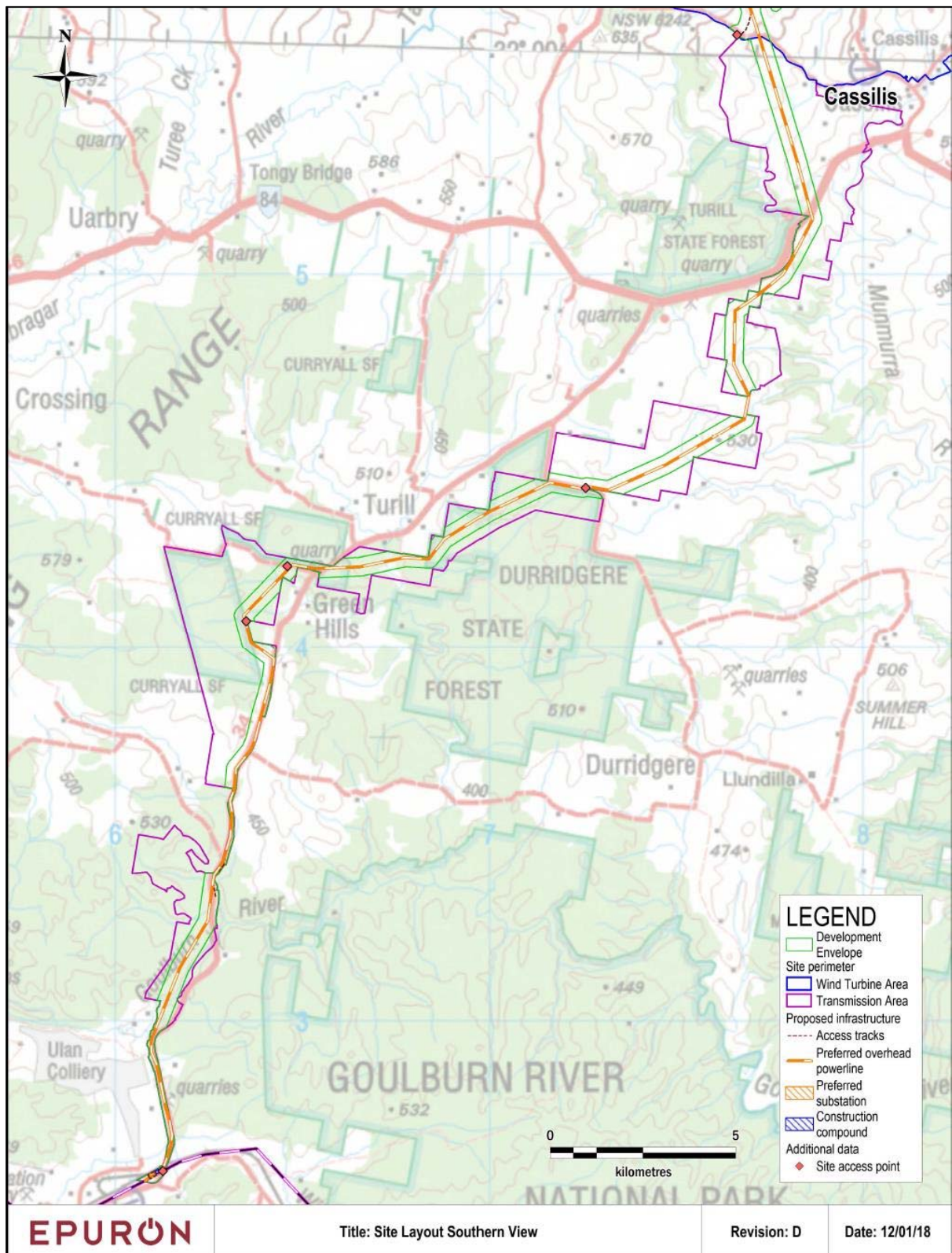
Turbine No.	Easting	Northing
159	777770	6483715
160	777048	6477913
161	778673	6485773
162	780169	6481590
163	779511	6479984
164	776728	6474835
165	777151	6481564
166	779894	6486420
167	777199	6478879
168	781220	6473510
169	774874	6474745
170	771949	6470953
171	781047	6476314
172	777331	6483435
173	772707	6470195
174	779706	6486038
175	772167	6471265
176	777019	6485678
178	776059	6472837
181	779135	6484253
183	774309	6473134
184	779012	6479376
185	777534	6476242
186	780685	6473296
187	780657	6482236
188	777294	6475612
189	779634	6484412
190	776773	6485385
191	771559	6470459
192	779809	6480692
193	776408	6473879
195	777023	6475273
196	773075	6472419
197	780212	6484775
198	774197	6472718
199	775203	6475050
201	771426	6470084
202	776572	6474450
203	772689	6471761

Turbine No.	Easting	Northing
205	777743	6476858
206	773994	6472394
207	777322	6479313
208	776709	6483257
209	776663	6480221
210	776274	6476641
211	776583	6476889
212	776352	6486655
214	781526	6473871
215	776862	6477556
217	775234	6475426
218	774655	6474088
219	772837	6472109
220	778247	6486603
221	776704	6480627
222	778065	6477548
223	776807	6486928
225	773408	6471305
226	776484	6487872
227	778566	6485399
229	774748	6467705
230	777710	6485668
231	783351	6463802
232	781972	6464061
233	781493	6463939
235	781295	6463343
237	776846	6459250
238	780148	6463809
239	784397	6469259
240	783972	6463721
241	780247	6459465
242	781209	6468977
243	777890	6459054
244	783615	6468558
246	780253	6460030
247	784048	6468807
248	780312	6467072
249	784438	6469691
250	783736	6462401

<b>Turbine No.</b>	<b>Easting</b>	<b>Northing</b>
251	781448	6468539
252	780477	6467375
253	780934	6468523
254	782790	6462499
255	781848	6469371
256	783709	6463358
257	777904	6462206
258	782430	6461682
259	782552	6462222
260	780490	6461838
261	780675	6467650
262	777849	6461730
263	780542	6462189
264	783485	6463093
265	778103	6462544
266	782137	6461473
267	779629	6463172
268	783015	6462789
269	780383	6460362
270	780584	6462549
271	779953	6463534
272	780486	6461281
274	778329	6458606
275	780769	6462832
276	777290	6460358
278	781481	6469214
280	780277	6460830
281	777031	6459541
282	777514	6460741
283	781000	6463107
284	777725	6461179
285	777133	6460050
287	780494	6481880

*Note: Coordinate system is GDA 94 MGA 55*





**APPENDIX 3**  
**GENERAL TERMS OF APPLICANT'S VPA OFFER**

The VPA must include provisions for the payment, collection, management and distribution of the contributions between Upper Hunter Shire Council and Warrumbungle Shire Council under the agreement, with a focus on funding community enhancement and road maintenance projects in the area surrounding the project site.

<b><i>Councils</i></b>	<b><i>Payment Details</i></b>
Upper Hunter Shire Council and Warrumbungle Shire Council	The annual contributions payable by the Applicant is the greater of: <ul style="list-style-type: none"><li>• \$3,000 per annum per wind turbine built; or</li><li>• \$100,000 per annum, (adjusted annually to increases in CPI from 2 years after the date development consent is granted) over the operational life of the development, to be paid in arrears on 1 July each year with the first payment occurring following the commencement of 'construction' and ceasing when the development is 'decommissioned' in accordance with the definitions within this consent.</li></ul>

## **APPENDIX 4 NOISE COMPLIANCE ASSESSMENT**

### **Applicable Meteorological Conditions – Wind Turbines**

1. The noise criteria in Table 4 in condition 11, Schedule 3, are to apply under all meteorological conditions.

### **Applicable Meteorological Conditions – Other Facilities**

2. The noise criteria in condition 12, Schedule 3, 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 5 HERITAGE ITEMS

*Table 1: Heritage items – avoid impacts*

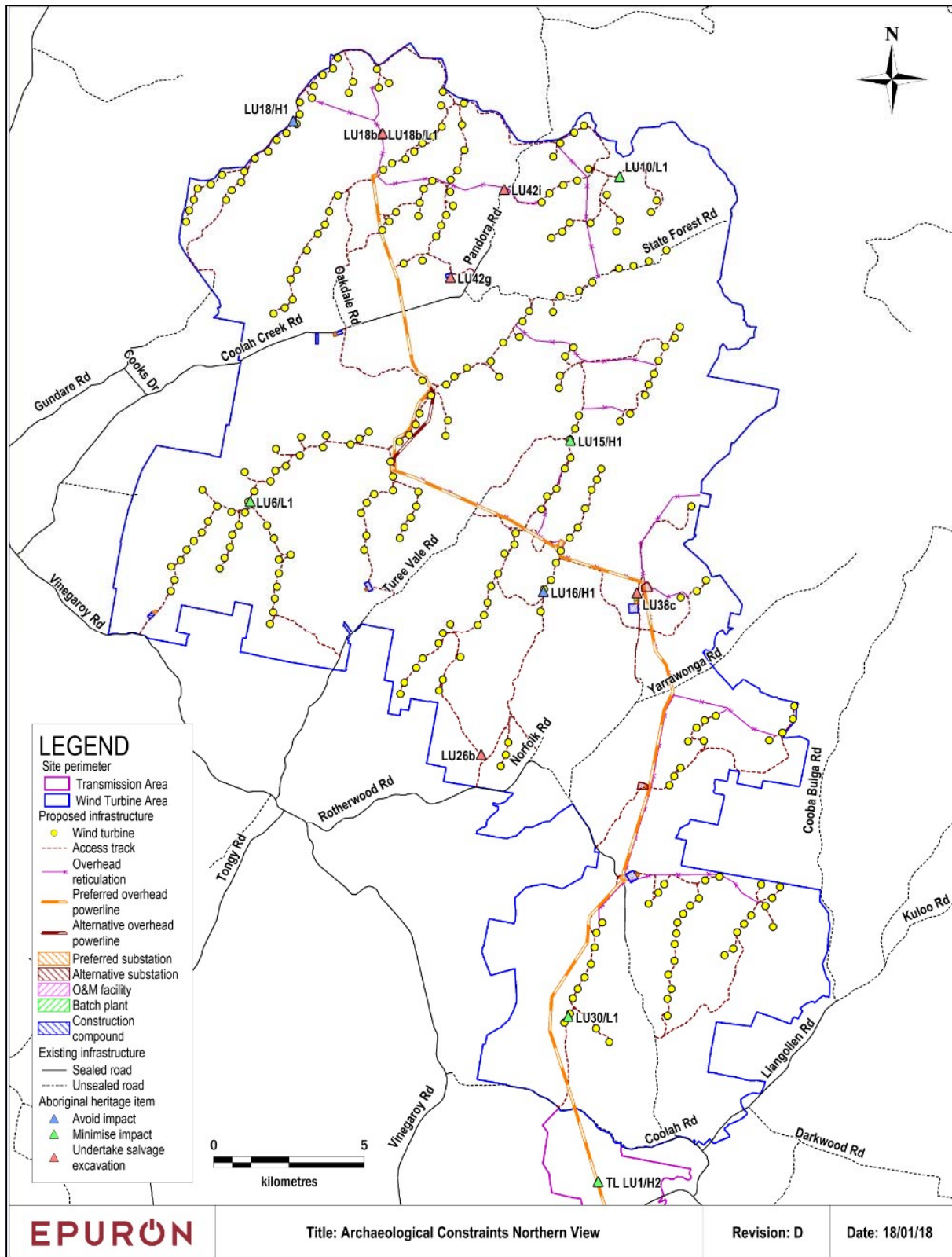
<b>Landform Unit</b>	<b>Item</b>
LU16	LU16/H1
LU18	LU18/H1
TL LU1	TL LU1/H1
TL LU2	AHIMS #36-3-0051, TL LU2/L5, TL LU2/L11, TL LU2/L12, TL LU2/H1

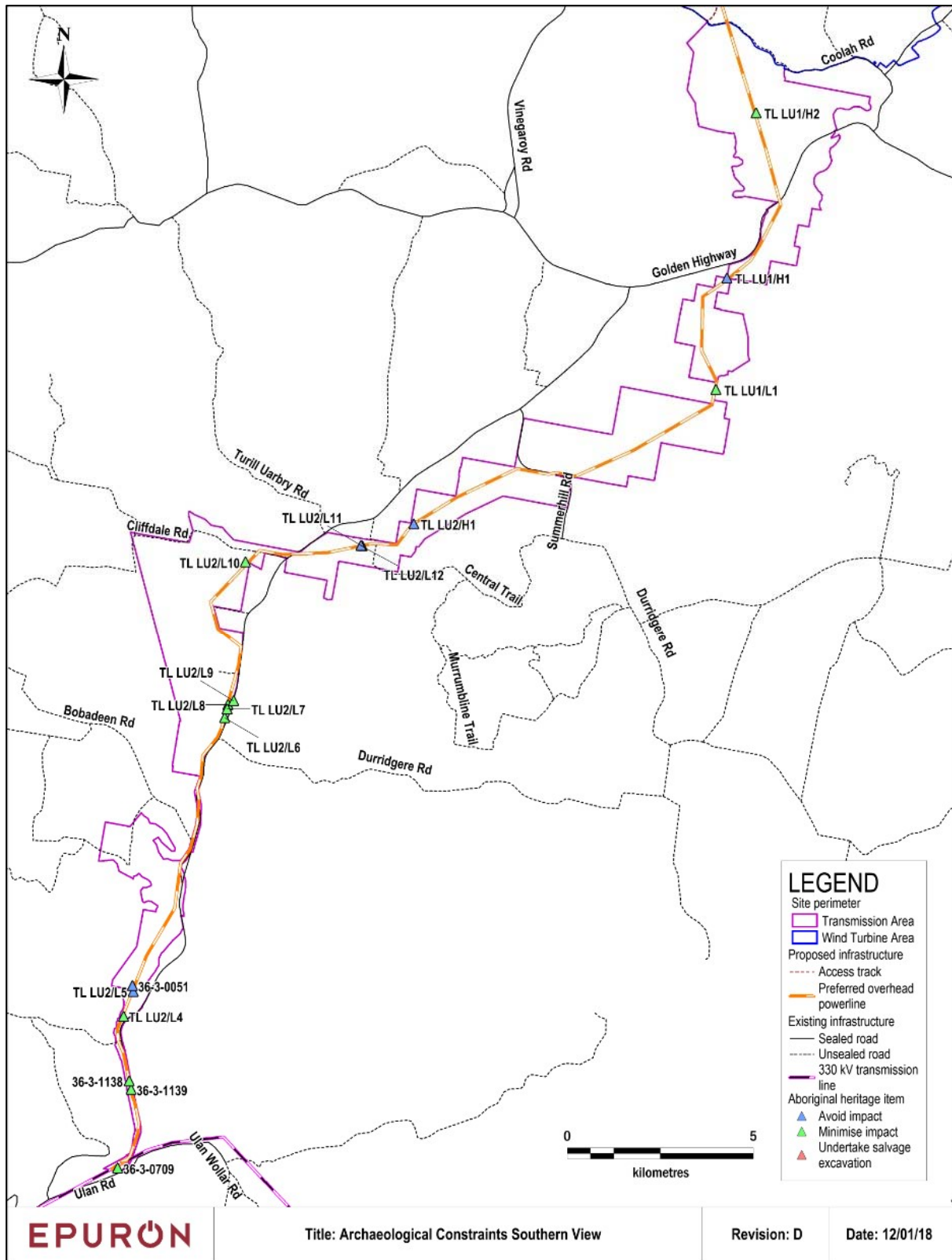
*Table 2: Heritage items – minimise impacts*

<b>Landform Unit</b>	<b>Item</b>
LU6	LU6/L1
LU10	LU10/L1
LU15	LU15/H1
LU18b	LU18b/L1
LU30	LU30/L1
TL LU1	TL LU1/L1, TL LU1/H2
TL LU2	TL LU2/L4, TL LU2/L6, TL LU2/L7, TL LU2/L8, TL LU2/L9, TL LU2/L10, AHIMS #36-3-0709, AHIMS #36-3-1138, AHIMS #36-6-1139

*Table 3: Landform unit – undertake salvage excavations*

<b>Landform Unit</b>
LU18b
LU42g
LU42i
LU26b
LU38c





## APPENDIX 6 SCHEDULE OF ROAD UPGRADES

<i>Road/Intersection</i>	<i>Start – End</i>	<i>Length (km)</i>	<i>Upgrade</i>	<i>Timing</i>
<b>Road Authority: Warrumbungle Shire Council</b>				
Pandora Road	Coolah Creek Road to access point 1	3.6	Widen and strengthen pavement as necessary to proposed sealed standard and upgrade 1.89km unsealed section to proposed sealed standard. Upgrade causeway as necessary.	Prior to commencing the use of Pandora Road for any over-dimensional or heavy vehicle traffic associated with the construction of the development.
Burragundy Road	Pandora Road to 0.1km		Strengthen pavement as necessary to proposed unsealed standard.	Prior to commencing the use of Burragundy Road for any over-dimensional or heavy vehicle traffic associated with the construction of the development.
State Forest Road	Coolah Creek Road to access point 16	8.1	Strengthen pavement as necessary to proposed unsealed standard.	Prior to commencing the use of State Forest Road for any over-dimensional or heavy vehicle traffic associated with the construction of the development.
Coolah Creek Road	Vinegaroy Road to Pandora Road / State Forest Road	18.5	Widen and strengthen pavement as necessary to proposed sealed standard.	Prior to commencing the use of Coolah Creek Road for any over-dimensional or heavy vehicle traffic associated with the construction of the development.
Oakdale Road	Coolah Creek Road to access point 17	1.6	Widen as necessary to proposed unsealed standard and upgrade causeway as necessary.	Prior to commencing the use of Oakdale Road for any over-dimensional or heavy vehicle traffic associated with the construction of the development.
Turee Vale Road	Vinegaroy Road to 6.5km	6.5	Widen and strengthen as necessary to proposed sealed standard. Upgrade creek crossings and causeways as necessary.	Prior to commencing the use of Turee Vale Road for any over-dimensional or heavy vehicle traffic associated with the construction of the development.
	6.54 km to access point 2	6.5	Upgrade as required to proposed unsealed standard. Upgrade creek crossings and causeways as necessary.	
Rotherwood Road	Vinegaroy Road to 9.1km	9.1	Widen and strengthen pavement as necessary to proposed sealed standard. Upgrade creek crossings as necessary.	Prior to commencing the use of Rotherwood Road for any over-dimensional or heavy vehicle traffic associated with the construction of the development.
Warung Road	Bounty Creek Road to 3.8km	3.8	Upgrade to proposed unsealed standard.	Prior to commencing the use of Warung Road for any over-dimensional or heavy vehicle traffic associated with the

<b>Road/Intersection</b>	<b>Start – End</b>	<b>Length (km)</b>	<b>Upgrade</b>	<b>Timing</b>
				construction of the development.
Norfolk Rd	Rotherwood Rd to 0.6km	0.6	Upgrade to proposed unsealed standard.	Prior to commencing the use of Norfolk Road for any over-dimensional or heavy vehicle traffic associated with the construction of the development.
<b>Road Authority: Upper Hunter Shire Council</b>				
Bounty Creek Road	Yarrawonga Road to Warung Rd	0.7	Upgrade as required to proposed unsealed standard.	Prior to commencing the use of Bounty Creek Road for any over-dimensional or heavy vehicle traffic associated with the construction of the development.
Yarrawonga Road	Rotherwood Road to Bounty Creek Road	4	Upgrade as required to proposed unsealed standard.	Prior to commencing the use of Yarrawonga Road for any over-dimensional or heavy vehicle traffic associated with the construction of the development.
Rotherwood Road	9.1km to 11.5km	2.4	Upgrade 2.2km unsealed section to proposed sealed standard.	Prior to commencing the use of Rotherwood Road for any over-dimensional or heavy vehicle traffic associated with the construction of the development.
	11.5km to 15.9km	4.4	Widen and strengthen pavement as necessary to proposed sealed standard.	
	15.9km to 19.3km	3.4	Widen and strengthen pavement as necessary to proposed unsealed standard.	
Coolah Road	Vinegaroy Road to access point 8	4	Upgrade 4.0km unsealed section to proposed sealed standard.	Prior to commencing the use of Coolah Road for any over-dimensional or heavy vehicle traffic associated with the construction of the development.
Summerhill Road	Golden Highway to access point 28	2.4	Upgrade as necessary to proposed sealed standard.	Prior to commencing the use of Summerhill Rd for any over-dimensional or heavy vehicle traffic associated with the construction of the development.
<b>Road Authority: Mid-Western Regional Council</b>				
Cliffdale Road	Ulan Road to access point 29	0.9	Upgrade as necessary to proposed unsealed standard.	Prior to commencing the use of the Unnamed Crown Road for any over-dimensional or heavy vehicle traffic associated with the construction of the development.
Unnamed Crown Road	Ulan Road to access point 30	1.0	Upgrade as necessary to proposed unsealed standard.	Prior to commencing the use of the Unnamed Crown Road for any over-dimensional or heavy vehicle traffic associated with the construction of the development.
<b>Regional Road managed by Warrumbungle Shire Council</b>				
Vinegaroy Road	Nandowrie Bridge to Coolah Creek Road	20	Widen and strengthen pavement as necessary to	Prior to commencing the use of Vinegaroy Road for any over-dimensional or heavy vehicle

<b>Road/Intersection</b>	<b>Start – End</b>	<b>Length (km)</b>	<b>Upgrade</b>	<b>Timing</b>
			proposed sealed standard. Upgrade creek crossings, bridges and causeways as necessary.	traffic associated with the construction of the development.
	Bill Foley Bridge	0.03	Structural assessment of bridge and upgrade as necessary.	Prior to commencing the use of Bill Foley Bridge for any over-dimensional or heavy vehicle traffic associated with the construction of the development.
<b>Regional Road managed by Upper Hunter Shire Council</b>				
Vinegaroy Road	Golden Highway to Nandowrie Bridge	11.8	Widen and strengthen pavement as necessary to proposed sealed standard. Upgrade creek crossings, bridges and causeways as necessary.	Prior to commencing the use of Vinegaroy Road for any over-dimensional or heavy vehicle traffic associated with the construction of the development.
Ulan Road	Golden Highway to Upper Hunter Shire Council boundary	8.3	Widen and strengthen pavement as necessary to proposed sealed standard.	Prior to commencing the use of Ulan Road for any over-dimensional or heavy vehicle traffic associated with the construction of the development.
<b>Regional Road managed by Mid-Western Regional Council</b>				
Ulan Road	Golden Highway to access point 31	21.2	Widen and strengthen pavement as necessary to proposed sealed standard.	Prior to commencing the use of Ulan Road for any over-dimensional or heavy vehicle traffic associated with the construction of the development.
<b>Intersections</b>				
Rotherwood Road / Yarrawonga Road	-	-	Upgrade as necessary within road reserve to allow access for over-dimensional vehicles.	Prior to commencing the use of the Rotherwood Road / Yarrawonga Road intersection for any over-dimensional or heavy vehicle traffic associated with the construction of the development.
Coolah Creek Road / State Forest Road	-	-	Upgrade as necessary within road reserve to allow access for over-dimensional vehicles.	Prior to commencing the use of the Coolah Creek Road / State Forest Road intersection for any over-dimensional or heavy vehicle traffic associated with the construction of the development.
Coolah Creek Road / Oakdale Road	-	-	Upgrade as necessary within road reserve to allow access for over-dimensional vehicles.	Prior to commencing the use of the Coolah Creek Road / Oakdale Road intersection for any over-dimensional or heavy vehicle traffic associated with the construction of the development.
Vinegaroy Road / Coolah Creek Road	-	-	Upgrade as necessary within road reserve to allow access for over-dimensional vehicles.	Prior to commencing the use of the Vinegaroy Road / Coolah Creek Road intersection for any over-dimensional or heavy vehicle traffic associated with the construction of the development.

<b>Road/Intersection</b>	<b>Start – End</b>	<b>Length (km)</b>	<b>Upgrade</b>	<b>Timing</b>
Vinegaroy Road / Access point 9	-	-	Upgrade as necessary within road reserve to allow access for over-dimensional vehicles.	Prior to commencing the use of the Vinegaroy Road / Access point 9 intersection for any over-dimensional or heavy vehicle traffic associated with the construction of the development.
Vinegaroy Road / Turee Vale Road	-	-	Upgrade as necessary within road reserve to allow access for over-dimensional vehicles.	Prior to commencing the use of the Vinegaroy Road / Turee Vale Road intersection for any over-dimensional or heavy vehicle traffic associated with the construction of the development.
Vinegaroy Road / Rotherwood Road	-	-	Upgrade as necessary within road reserve to allow access for over-dimensional vehicles.	Prior to commencing the use of the Vinegaroy Road / Rotherwood Road intersection for any over-dimensional or heavy vehicle traffic associated with the construction of the development.
Vinegaroy Road / Coolah Road	-	-	Upgrade as necessary within road reserve to allow access for heavy vehicles.	Prior to commencing the use of the Vinegaroy Road / Coolah Road intersection for heavy vehicle traffic associated with the construction of the development.
Golden Highway / Vinegaroy Road	-	-	Upgrade as necessary within road reserve to allow access for over-dimensional vehicles.	Prior to the commencement of construction of the development.
Cliffdale Road/ Ulan Road	-	-	Upgrade as necessary within road reserve to allow access for over-dimensional vehicles.	Prior to commencing the use of the Vinegaroy Road / Turee Vale Road intersection for any over-dimensional or heavy vehicle traffic associated with the construction of the development.
Unnamed Crown Road to access point 30 / Ulan Road	-	-	Upgrade as necessary within road reserve to allow access for over-dimensional vehicles.	Prior to commencing the use of the Vinegaroy Road / Turee Vale Road intersection for any over-dimensional or heavy vehicle traffic associated with the construction of the development.
Access point 31 / Ulan Road	-	-	Upgrade as necessary within road reserve to allow access for over-dimensional vehicles.	Prior to commencing the use of the access point 31 / Ulan Road intersection for any over-dimensional or heavy vehicle traffic associated with the construction of the development.

**Notes:**

- To identify the approximate location of the site access points, see the figure in Appendix 7.
- To avoid any doubt, Council's road standards require:
  - where upgrading from an unsealed local road to a sealed road – pavement depth in accordance with Austroads Standards or 300 mm road base, 6.0 m seal and 8.0 m formation width, topped with 14/10 double/double bitumen seal;
  - where upgrading an unsealed local road to remain unsealed – construction width 8.0 m, pavement thickness 150 mm; and
  - where upgrading a regional road – pavement depth in accordance with Austroads Standards, 7.5 m seal and 9.5 m formation width, topped with 14/10 double/double bitumen seal.

## APPENDIX 7 OVER-DIMENSIONAL AND HEAVY VEHICLE ACCESS ROUTE RESTRICTIONS

