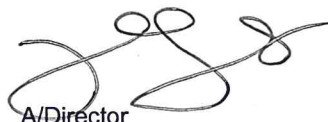


Modification of Minister's Consent

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation executed on 14 September 2011, I approve the modification of the development application referred to in Schedule 1, subject to the conditions in Schedule 2.



A/Director
Infrastructure Projects

Sydney

6 November 2013

SCHEDULE 1

Development Consent:

DA 241/04 granted by the Land and Environment Court on 23 February 2007 and modified on 20 April 2009 and 18 June 2013.

For the following:

The construction and operation of a wind farm and associated infrastructure known as the Taralga Wind Farm.

Modification Application (MOD3):

- removal of two approved site compound locations;
- a new alternative site compound location;
- a new access track network linkage in and around the proposed compound site;
- request for a condition to allow flexibility in locating future site compounds.

Modification Application (MOD4):

- construction of 13 meteorological masts consisting of five temporary and eight permanent masts.

SCHEDULE 2

Act	<i>Environmental Planning and Assessment Act 1979</i>
Ancillary Facility	Temporary facility for construction, including for example an office and amenities compound, construction compound, batch plant (concrete or bitumen), materials storage compound, maintenance workshop, or testing laboratory or material stockpile area.
Applicant	RES Southern Cross Pty Ltd
AHD	Australian Height Datum
CASA	Civil Aviation Safety Authority
CIP	Community Information Plan
Commissioning	commencement of testing and connection of any individual turbine(s) and may include concurrent ongoing construction activities
Conditions of Consent	The conditions set out in this Schedule
CEMP	Construction Environmental Management Plan
Construction	any activity requiring a Construction Certificate, the laying of a slab or significant excavation work
Council	Upper Lachlan Council
dB(A)	decibel (A-weighted scale)
the Department	NSW Department of Planning
Development	the development to which this consent applies, the scope of which is described in the EIS and these conditions of consent
DEC	NSW Department of Environment and Conservation (incorporates the former NSW Environment Protection Authority and National Parks and Wildlife Service)
Director-General	Director-General of the NSW Department of Planning or delegate
DNR	Department of Natural Resources
Dust	any solid material that may become suspended in air or deposited
EPA	Environment Protection Authority (part of DEC). DEC continues to exercise certain statutory functions and powers in the name of the EPA
EIS	Environmental Impact Statement for the development entitled <i>Taralga Wind Farm Environmental Impact Statement Volumes 1 and 2</i> , prepared by Geolyse and dated November 2004
LAeq(1 O-minute)	equivalent average sound pressure level that is measured over a 10 minute period
Minister	NSW Minister for Planning, or delegate
OEMP	Operational Environmental Management Plan
Operation	any activity at the site that results in the production, or intended production of electricity for contribution to the electricity grid, but does not include commissioning
Parcel of land	an allotment or a number of adjoining allotments belonging to the same landowner.
Publicly Available	Available for inspection by a member of the general public (for example available on an internet site or at a display centre) and including the Crookwell library and the Council's Community Service Centre, Taralga.
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Principal Certifying Authority	the Minister or an accredited certifier, appointed under section 109E of the Act, to issue a Part 4A Certificate as provided under section 109C of the Act
Reasonable and Feasible	Consideration of best practice taking into account the benefit of proposed measures and their technological and associated operational application in the NSW and Australian context. Feasible relates to engineering considerations and what is practical to build. Reasonable relates to the application of judgement in arriving at a decision, taking into account:

		mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
Relevant receiver		has the same meaning as in the SA Guidelines
Regulation		<i>Environmental Planning and Assessment Regulation 2000</i>
Relevant Agencies	Government	the Department, Department of Natural Resources, Department of Lands, RTA, SCA, and Upper Lachlan Council
RFS		Rural Fire Service
RTA		Roads and Traffic Authority
SCA		Sydney Catchment Authority
Site		the land to which this consent applies
SA Guidelines		the South Australian Environmental Protection Authority's <i>Wind Farms: Environmental Noise Guidelines</i> (2003) in existence as at the date of the consent of 23 February 2007.
Confidential information		Any information in respect of or in relation to: (a) warranty details of any windfarm component (including turbines, electrical equipment or cables, monitoring equipment, television re-transmission tower, buildings or any civil works); (b) contractual or commercial arrangements with any landowners, suppliers, customers or other third parties; (c) contractual or commercial arrangements with windfarm owners or managers; (d) Any matter the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (whether living or deceased); and (e) The energy performance and/or capacity of any turbine.

SCHEDULE 2 CONDITIONS

1. Delete condition 3 and replace with the following:

SCOPE OF DEVELOPMENT

3. The Applicant must carry out the development generally in accordance with the following documents:
 - (a) Development Application No. DA-241 104; lodged with Upper Lachlan Council on 10 November 2004;
 - (b) *Taralga Wind Farm Environmental Impact Statement* (two volumes) prepared by Geolyse, dated November 2004;
 - (c) *Proposed Taralga Wind Farm: Response to the Department Questions*, RES Southern Cross, dated 28 January 2005, 4 February 2005, 28 February 2005, 11 March 2005;
 - (d) *Proposed Taralga Wind Farm: Response to RTA Questions*, RES Southern Cross, dated 31 January 2005;
 - (e) *Proposed Taralga Wind Farm: Response to Questions from Department of Lands*, RES Southern Cross, dated 25 January 2005;
 - (f) *Proposed Taralga Wind Farm: Response to DEC Questions*, RES Southern Cross, dated 24 January 2005, 17 February 2005, 3 March 2005, 15 March 2005;
 - (g) *Proposed Taralga Wind Farm: Amendment to Development Application*, RES Southern Cross, dated 1 March 2005;
 - (h) *Proposed Taralga Wind Farm: Additional Information on Amendment to Development Application*, RES Southern Cross, dated 15 March 2005, 21 March 2005;
 - (i) Modification Application lodged with the NSW Land and Environment Court on 30 November 2007 and accompanied by a report prepared by the Applicant titled *Taralga Wind Farm Project: Application for Modification of Development Consent DA 241/04 granted by the NSW Land and Environment Court 23rd February 2007 pursuant to section 96(8) of the EP&A Act* and dated 30 November 2007;
 - (j) *Taralga Wind Farm Project: Application for Modification of Development Consent DA 241/04 granted by the NSW Land and Environment Court 23rd February 2007 pursuant to section 96(8) of the EP&A Act, Supporting information for hazard lighting and noise assessment*, RES Southern Cross, dated 13 March 2008;
 - (k) Amended application filed by the Applicant in Court on 7 August 2008;
 - (l) *Taralga Wind Farm Modification Application* dated 7 November 2012;
 - (m) *Application for Modification of Development Consent DA241/04 granted on 23 February 2007 for Taralga Wind Farm pursuant to Section 75W of the Environmental Planning and Assessment Act* dated 30 August 2013;
 - (n) *Application for Modification of Development Consent DA241/04 granted on 23 February 2007 for Taralga Wind Farm pursuant to Section 75W of the Environmental Planning & Assessment Act (Mod 4) Meteorological Masts* dated 30 August 2013;
 - (o) Response to Submissions contained in letter dated 15 October 2013 for Modification 3 Application for Relocation of Construction Compound;
 - (p) Response to Submissions contained in letter dated 21 October 2013 for Modification 4 Meteorological Masts; and
 - (q) the Conditions of this Consent

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

2. Insert the following conditions after condition 102:

ANCILLARY FACILITIES

- 102A Unless otherwise approved by the Director-General, the location of ancillary facilities associated with the construction of the development shall:
- (a) be located more than 50 metres from a waterway;
 - (b) be located within or adjacent to the development;
 - (c) have ready access to the road network;
 - (d) be located to minimise the need for heavy vehicles to travel through residential areas;
 - (e) be sited on relatively level land;
 - (f) be separated from nearest residences by at least 200 metres (or at least 300 metres for a temporary batching plant);
 - (g) not require vegetation clearing beyond that already required by the development;
 - (h) not impact on heritage sites (including be located away from areas of archaeological sensitivity) beyond those already approved to be impacted by the development;
 - (i) not unreasonably affect the land use of adjacent properties;
 - (j) be above the 20 year ARI flood level unless a contingency plan to manage flooding is prepared and implemented; and
 - (k) provide sufficient area for the storage of raw materials to minimise, to the greatest extent practical, the number of deliveries required outside standard construction hours.

The location of the ancillary facilities shall be identified in the Construction Environmental Management Plan required under condition 25 and include consideration of the above criteria. Where any of the above criteria cannot be met for any proposed ancillary facility, the Applicant shall demonstrate, to the satisfaction of the Director-General, that there will be no significant adverse impact from the ancillary facility's construction or operation. Such assessment(s) can be submitted separately or as part of the Construction Environmental Management Plan.

Note: (g) is not intended to limit the placement of an ancillary facility where the placement of that facility would result in clearing of pasture grass not meeting the definition of an Endangered Ecological Community or habitat for threatened species.

- 102B All construction ancillary facility sites shall be rehabilitated to at least their pre-construction condition, unless otherwise agreed by the affected landowner.
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3. Insert the following condition after condition 30:

Community Consultative Committee

- 30A The Applicant shall establish a community consultative committee for the life of the development, unless otherwise agreed by the Director-General. The Applicant shall ensure the committee is in operational within three months of the determination of modification 3 and 4, and operate, in a manner generally consistent with the requirements of *Appendix C: Guidelines for wind farm consultative committees*, as contained in the draft *NSW Planning Guidelines – Wind Farms* (December 2011), as updated, unless otherwise directed by the Director-General.
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4. Delete conditions 115 and 116 and replace with the following:
Decommissioning

- 115 Unless otherwise agreed by the Director-General, within 18 months of the cessation of operation of the Development, the site shall be decommissioned and returned by the Applicant, as far as practicable, to its condition prior to the commencement, in consultation with the relevant landowner(s) and to the satisfaction of the Director-General (and in accordance with the Decommissioning and Rehabilitation Plan required by condition 116).
- All generating facilities and associated infrastructure (including but not necessarily limited to the substations and transformers, switchyard, operation and maintenance facility, overhead transmission lines and access roads) shall be removed from the site unless otherwise agreed by the Director-General. Project related infrastructure (including access roads) may only be retained on site, where the Applicant has demonstrated to the satisfaction of the Director-General prior to the commencement of decommissioning, that these components: are permissible under the site's statutory landuse provisions in force upon commencement of the decommissioning; would not pose an ongoing impediment to permissible landuse at the properties; and their retention has been agreed to in writing (with evidence provided to the Director-General) by the relevant landowners.
- This condition does not apply to any infrastructure which, as at the relevant date, is owned by a network operator under the *Electricity Supply Act 1995* (NSW) (or any equivalent provisions which are in force as at the relevant date).
- 116 The Applicant shall prepare within three months of the determination of modification 3 and 4 and update a Decommissioning and Rehabilitation Plan every five years from the date of preparation, until decommissioning and rehabilitation is completed. A copy of the Plan and updated versions are to be provided to the Director-General and made publicly available. The updated Plan shall be consistent with the requirements of the draft NSW Planning Guidelines – Wind Farms (December 2011), as updated. The updated Plan shall include estimated costs of and funding arrangements for decommissioning, including provision for a decommissioning bond or other funding mechanisms, where the Plan concludes that estimated costs and funding arrangements are inadequate.
- 117 Any individual turbine that ceases operating for a period of more than 12 consecutive months shall be dismantled within 18 months after the 12 month period, unless otherwise agreed by the Director-General. The Applicant shall keep independently-verified annual records of the use of wind turbines for electricity generation. Copies of these records shall be provided to the Director-General upon request. The relevant wind turbine and any associated infrastructure is to be dismantled and removed from the site by the Applicant within 18 months from the date that the wind turbine was last used to generate electricity.
- 118 Unless otherwise agreed by the Director-General, the Applicant shall commission an independent, qualified person or team to undertake the following in consultation with the relevant road authority:
- (a) prior to the commencement of decommissioning, review the proposed route and existing access provisions to the Wind Farm Site to determine whether the route and existing provisions allow for safe access of decommissioning vehicles associated with the Development (including appropriate site distances and provisions for over-mass or over-dimensional transport and safety with other road users). Where improvements or changes to the proposed route are required, the Applicant shall implement these in consultation with the relevant road authority, prior to the commencement of decommissioning and at the full expense of the Applicant;
 - (b) assess all roads proposed to be used for over-mass and/ or over-dimensional transport (including intersections, bridges, culverts and other road features) prior to the commencement of decommissioning to determine whether the existing road condition can accommodate the proposed over-mass and/ or over-dimensional haulage. Where improvements are required, the Applicant shall implement these in consultation with the

relevant road authority, prior to the commencement of decommissioning and at the full expense of the Applicant.

Upon determining the haulage route(s) for decommissioning vehicles associated with the Development, and prior to decommissioning, an independent and qualified person or team shall undertake a **Road Dilapidation Report**. The report shall assess the current condition of the road(s) and describe mechanisms to restore any damage that may result due to traffic and transport related to the decommissioning of the Development. The Report shall be submitted to the relevant road authority for review prior to the commencement of haulage.

Within three months of completion of decommissioning, a subsequent Report shall be prepared to assess any damage that may have resulted from the construction of the Development (including mechanisms to restore any damage) and submitted to the relevant road authority for review.

Measures undertaken to restore or reinstate roads affected by the Development shall be undertaken in accordance with the reasonable requirements of the relevant road authority (including timing requirements), and at the full expense of the Applicant.

- 119 Prior to the commencement of decommissioning, or as otherwise agreed by the Director-General, the Applicant shall prepare and implement (following approval) a Decommissioning Environmental Management Plan for the Development. The Plan shall outline the environmental management practices and procedures that are to be followed during decommissioning, and shall be prepared in consultation with the relevant agencies and in accordance with the *Guideline for the Preparation of Environmental Management Plans* (Department of Infrastructure, Planning and Natural Resources, 2004). The Plan shall include, but not necessarily be limited to:
- (a) a description of activities to be undertaken during decommissioning of the Development (including staging and scheduling);
 - (b) statutory and other obligations the Applicant is required to fulfil during decommissioning, including approval/approvals, consultations and agreements required from authorities and other stakeholders under key legislation and policies;
 - (c) a description of the roles and responsibilities for relevant employees involved in the decommissioning of the Development, including relevant training and induction provisions for ensuring that employees, including contractors and sub-contractors are aware of their environmental and compliance obligations under these conditions of Consent;
 - (d) an environmental risk analysis to identify the key environmental performance issues associated with the decommissioning phase; and
 - (e) details of how environmental performance will be managed and monitored to meet acceptable outcomes, including what actions will be taken to address identified potential adverse environmental impacts (including any impacts arising from the staging of the decommissioning of the Development). In particular, the following environmental performance issues shall be addressed in the Plan:
 - i. compounds and ancillary facilities management;
 - ii. noise and vibration;
 - iii. traffic and access;
 - iv. soil and water quality and spoil management;
 - v. air quality and dust management;
 - vi. hazardous material and waste management; and
 - vii. hazard and risk management, including bushfire risk.

The Plan shall be submitted for the approval of the Director-General no later than one month prior to the commencement of decommissioning, or as otherwise agreed by the Director-General. The Plan may be prepared in stages, however, decommissioning works shall not commence until written approval has been received from the Director-General.