

Application to modify a development consent

Date lodged: 2 / 2 / 2010



NSW GOVERNMENT
Department of Planning

DA modification no. DA-250-10-2004 MOD1
(Office use only)

1. Before you lodge

This form is to be used for applications to modify Part 4 development consents under section 96 or 96AA of the *Environmental Planning and Assessment Act 1979* (EP&A Act). This form is also to be used for Part 4 development consents that are to be modified under section 75W of the Act.

Disclosure statement

Persons lodging modification applications are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years. For more details, including a disclosure form, go to www.planning.nsw.gov.au/donations.

Lodgement

Anyone wishing to lodge an application is recommended to call the Department of Planning to discuss their proposal and modification application requirements prior to lodging their application. You can lodge your completed form, together with attachments and fees at the relevant Department of Planning office listed below. Please lodge Part 4 modification applications with the Department of Planning head office or, for modification applications that are within the Kosciuszko ski resorts area, the Department's Alpine Resorts team.

NSW Department of Planning
Head Office
Ground Floor, 23–33 Bridge Street, Sydney NSW 2000
GPO Box 39 Sydney NSW 2001
Phone: 1300 305 695 Fax: (02) 9228 6555
Email: information@planning.nsw.gov.au

NSW Department of Planning
Alpine Resorts Team
Shop 5A, Snowy River Avenue
PO Box 36, Jindabyne NSW 2627
Phone: (02) 6456 1733 Fax: (02) 6456 1736
Email: alpineresorts@planning.nsw.gov.au

To minimise delay in receiving a decision about your application, please ensure you submit all relevant information to the Department. When your application has been assessed, you will receive a notice of determination.

2. Applicant and contact details

Company/organisation/agency

Woodlawn Wind Pty Ltd

ABN

139 165 610

☐ Mr ☐ Ms ☐ Mrs ☐ Dr ☐ Other

First name

Family name

STREET ADDRESS

Unit/street no.

22/56

Street name

Pitt St

Suburb or town

Sydney

State

NSW

Postcode

2000

POSTAL ADDRESS (or mark 'as above')

As Above

Suburb or town

State

Postcode

Daytime telephone

02 8031 9916

Fax

Mobile

Email

david.griffin@infigenenergy.com

3. Property description

Unit/street no. (or lot no. for Kosciuszko ski resorts)

Street or property name

Suburb, town or locality

Postcode

Local government area

Lot/DP or Lot/Section/DP or Lot/Strata no.

Please ensure that you put a slash (/) between lot, section, DP and strata numbers. If you have more than one piece of land, you will need to separate them with a comma e.g. 123/579, 162/2.

See Table 15.1 in the attached SEE

Note: You can find the lot, section, DP or strata number on a map of the land or on the title documents for the land, if title was provided after 30 October 1983. If you have documents older than this, you will need to contact the NSW Department of Lands for updated details. If the subject land is located within the Kosciuszko ski resorts area, DP and strata numbers do not apply.

4. Details of the original development consent

Briefly describe your approved development in the space below. If the development has been modified previously you must list all previous modifications and the relevant determination date(s).

Construction and operation of a windfarm consisting of 25 x 2 MW turbines and associated infrastructure.

What was the original development application no.?

DA-250-10-2004-i

What was the date consent was granted?

October 2005

What was the original application fee?

TBC

5. Type of modification

An application under section 96 of the EP&A Act is an application to modify a development consent. Modifications to a development consent can also be made under section 75W of the EP&A Act, or section 96AA for court granted consents.

There are five types of modification applications. Please tick the type of modification application that is being sought:

- ☐ Section 96(1) involving minor error, misdescription or miscalculation.
- ☒ Section 96(1A) involving minimal environmental impact, where the development as originally approved remains substantially the same.
- ☐ Section 96(2) other modification, where the development as originally approved remains substantially the same.
- ☐ Section 96AA modification of consent granted by the Land and Environment Court, where the development as originally approved remains substantially the same.
- ☐ Section 75W modification, involving use of Part 3A processes to modify the Part 4 consent.

Note: If the proposed modification will lead to the consented development being not 'substantially the same' (except in the case of a proposed modification under section 75W) then you will need to submit a new development application.

6. Extent of modification

Will the modified development be substantially the same as the development that was originally approved?

No ☐ Please submit a new development application.

Yes ☒ Please provide evidence that the development will remain substantially the same. (If you need to attach additional pages, please list below the material attached).

Whilst the total number of turbines will be reduced from 25 to 20, the turbines will still be located within the original north-south limits on the ridgeline. The wind farm will appear to be substantially the same

as the originally approved project.

Note: Question 6 does not apply to proposed modifications under section 75W.

7. Description of modification

- In the case of a section 96(1) application, indicate the nature of the minor error, misdescription or miscalculation in the space below.
- In the case of a section 96(1A), section 96(2) or section 96AA application describe the impact of the modification in the space below. A statement of environmental effects will need to accompany the application, which includes an assessment of the development as proposed to be modified in accordance with section 79C(1) of the EP&A Act. Provisions of the *Heritage Act 1977* may also apply for works to a heritage item or works adjoining a heritage item.
- In the case of a section 75W application under clause 8J(8) of the Environmental Planning and Assessment Regulation 2000, a development consent in force immediately before the commencement of Part 3A of the Act may be modified under section 75W as if the consent were an approval under that Part. However, approval from the Minister is required to lodge a section 75W application. **Applicants should contact the Department first if they are considering applying for a modification under section 75W.**

Regardless of the type of modification, please state below the specific conditions of consent to be modified, deleted or additional conditions request, and details of any other changes being sought.

See 3.1 and Chapter 15 of the attached SEE.

Note: If your proposal is within Kosciuszko ski resorts area, please attach a copy of the Interim Lease Variation Approval received from the Department of Environment and Climate Change to your application.

8. General terms of approval from State agencies

If the original development application was classified as integrated development and required approval from one or more State agencies, list them in the space below and their respective general terms of approval. Depending on the type of modification, it may be necessary to refer the modification application to the approval body.

DECCW

9. Number of jobs to be created

Please indicate the number of jobs the proposed development will create. This should be expressed as a proportion of full time jobs over a full year, (e.g. a person employed full time for 6 months would equal 0.5 of a full time equivalent job; six contractors working on and off over 2 weeks equate to 2 people working full time for 2 weeks, which equals approximately 0.08 of an FTE job).

Construction jobs (full time equivalent)

80

Operational jobs (full time equivalent)

5

10. Application fee

Part 15 of the Environmental Planning and Assessment Regulation 2000 sets out how to calculate the fees for an application for modification of a development consent. If your development needs to be advertised to the public you may also need to include an advertising fee.

Note: Advertising fees attract GST, all other fees do not.

Please contact the Department in order to calculate the fee for your modification application.

Estimated cost of the development

\$90 million

Original application fee

TBC

Total fees lodged

TBC

11. Political donation disclosure statement

Persons lodging modification applications are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years. Disclosure statements are to be submitted with your application.

Have you attached a disclosure statement to this application?

Yes ☐

No ☒

Note: For more details about political donation disclosure requirements, including a disclosure form, go to www.planning.nsw.gov.au/donations.

12. Owner's consent

The owner(s) of the land to be developed must sign the application. If you are not the owner of the land, you must have all the owners sign the application. If the land is Crown land, an authorised officer of the NSW Department of Lands must sign the application. **An original signature must be provided.**

As the owner(s) of the above property, I/we consent to this application:

Signature

See Attachment 1

Signature

Name

Name

Date

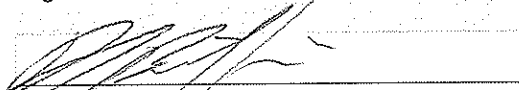
Date

Note: For applications within the Kosciuszko ski resorts area, the approval of the lessee rather than the owner is required.

13. Applicant's signature

The applicant, or the applicant's agent, must sign the application. Only an original signature will be accepted (photocopies or faxed copies will not be accepted).

Signature



In what capacity are you signing if you are not the applicant

Date

1 FEB 2010

Name, if you are not the applicant

14. Privacy policy

The information you provide in this application will enable the Department, and any relevant state agency, to assess your application under the *Environmental Planning and Assessment Act 1979* and other applicable state legislation. If the information is not provided, your application may not be accepted.

If your application is for designated development or advertised development, it will be made available for public inspection and copying during a submission period. Written notification of the application will also be provided to the neighbourhood. You have the right to access and have corrected any information provided in your application. Please ensure that the information is accurate and advise the Department of any changes.



Woodlawn Wind Pty Ltd ACN 139 165 610
Level 22, 56 Pitt St, Sydney NSW 2000
+61 2 8031 9900 Tel +61 2 9247 6086 Fax

22 December 2009

Messrs Ian & Robert Willson
'Nardoo'
Taylors Creek Road,
Tarago NSW 2540

Dear Ian and Robert,

Can you please acknowledge your consent to lodge the application to modify the Woodlawn Wind Farm development consent by signing and returning this letter.

Yours sincerely,

A handwritten signature in dark ink, appearing to read "David Griffin".

David Griffin

As the Owners of Lot 48 DP 754877 and Lot 2 DP 714090, we consent to the lodging of the application to modify the Woodlawn Wind Farm Development Consent.

...

Mr Ian Willson

A handwritten signature in dark ink, appearing to read "Ian Willson".

...

Mr Robert Willson

A handwritten signature in dark ink, appearing to read "Robert Willson".



4 January 2010

Mr Danny Conlon
Veolia Environmental Services (Australia) Pty Ltd
Cnr Unwin and Shirley St
ROSEHILL NSW 2142

Dear Mr Conlon,
Please acknowledge Veolia Environmental Services (Australia) Pty Ltd's consent to lodge the application to modify the Woodlawn Wind Farm development consent by signing and returning this letter.

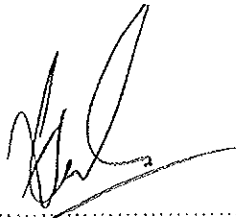
Yours sincerely,
David Griffin

A handwritten signature in black ink, appearing to read "David Griffin", is written over the typed name. The signature is stylized with long, sweeping strokes.

As the Owner of the following land titles, we consent to the lodging of the application to modify the Woodlawn Wind Farm Development Consent. Veolia Environmental Services (Australia) Pty Ltd reserves the right to comment and or make submissions on such modifications if required.

- a. Lot and DP 14/654919
- b. Lot and DP 21/754919
- c. Lot and DP 27/754919
- d. Lot and DP 89/754919
- e. Lot and DP 91/754919
- f. Lot and DP 92/754919
- g. Lot and DP 94/754919
- h. Part of Auto Consol 6054-107 being Lot 55 in DP 754919

- i. Part of Auto Consol 5132-1 being Lot 2 in DP 114586
- j. Part of Auto Consol 5132-1 being Lot 3 in DP 114586
- k. Lot and DP 2/1020242



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Mr Danny Conlon
General Manager – Resource Recovery
Date: February 1, 2010



Renewable Power Ventures · ABN 25 102 696 159
Level 22 · 56 Pitt Street · Sydney NSW 2000 · Australia
T +61 2 8031 9900 · F +61 2 9247 6086 · www.infigenenergy.com

11 January 2010

Mr David Griffin
Woodlawn Wind Pty Ltd
Level 22
56 Pitt St
Sydney NSW 2000

Dear Sir,

As the lessee of Lot 48 DP 754919, Lot 18 DP 535179, Vol 6429 Folio 101, and Lot 2 DP 1140319, Renewable Power Ventures Pty Ltd consents to the lodging of the application to modify the Woodlawn Wind Farm Development Consent.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Geoff Dutailis', written in a cursive style.

Geoff Dutailis
Director



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Level 22 · 56 Pitt Street · Sydney NSW 2000 · Australia
T +61 2 8031 9900 · F +61 2 9247 6086 ·
www.infigenenergy.com

29 January 2010

Mr Brian Osborne
Director
Ellendon Pty Ltd
'Ellendon'
Curraudooley Road
Bungendore NSW 2621

Dear Brian,

Please acknowledge your consent to lodge the application to modify the Woodlawn Wind Farm development consent by signing and returning this letter.

Yours sincerely,

David Griffin
GM Development

Ellendon Pty Ltd, as owner of Volume 6429 Volume 101, consents to the lodging of the application to modify the Woodlawn Wind Farm Development Consent.

Brian Osborne
Director



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www.infigenenergy.com

29 January 2010

Mr Brian Osborne
'Ellendon'
Currandooley Road
Bungendore NSW 2621

Dear Brian,

Please acknowledge your consent to lodge the application to modify the Woodlawn Wind Farm development consent by signing and returning this letter.

Yours sincerely,

David Griffin
GM Development

As owner of Lot 18 DP 535179, I consent to the lodging of the application to modify the Woodlawn Wind Farm Development Consent.

Brian Osborne
Director



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www.infigenenergy.com

27 January 2010

Mr Michael Osborne
'Lakelands'
Curandooley Road
Bungendore NSW 2621

Dear Michael,

Please acknowledge your consent to lodge the application to modify the Woodlawn Wind Farm development consent by signing and returning this letter.

Yours sincerely,

David Griffin
GM Development

As owner of Lot 2 DP 1140319, I consent to the lodging of the application to modify the Woodlawn Wind Farm Development Consent.

Michael Osborne