

Application to modify a development consent

Date lodged: 18/06/10

NSW GOVERNMENT
Department of Planning

DA modification no. 250-10-200A MOD 2

1. Before you lodge

This form is to be used for applications to modify Part 4 development consent under the *Environmental Planning and Assessment Act 1979* (EP&A Act) for development consents that are to be modified under section 7

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.



PCU006804

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

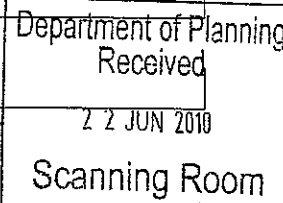
Daytime telephone

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 attached letter dated 28th May 2010

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).

Development consent (granted Oct 2005):

Construction and operation of a windfarm consisting of 20 x 2.1 MW turbines and associated infrastructure.

Development consent modification (MOD1 - granted May 2010):

Construction and operation of a windfarm consisting of 20 x 2.1 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).

There will be no substantial change from the originally approved and now modified development consent allowing the construction and operation of a windfarm consisting of 20 x 2.1 MW turbines and associated infrastructure. The modification requested is for a minor change to the construction access to the windfarm, and reinstatement of 4 land parcels into the land schedule. Both of these items were allowed in the original development consent however were omitted from the subsequent development consent modification.

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 letter attached, dated 28th May 2010.

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.

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	Original application fee	Total fees lodged
\$90 million	TBC	\$~12,000 (modification)

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 letter dated 17th June
2010

Name

Date

Signature

Name

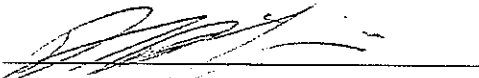
Date

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

17 JUN 10

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

Woodlawn Wind · ACN 139 165 610
Level 22 · 56 Pitt Street · Sydney NSW 2000 · Australia
T +61 2 8031 9900 · F +61 2 9247 6086

28 May 2010

Executive Director

Office of Sustainable Development Assessments and Approvals
NSW Department of Planning
23-33 Bridge St
Sydney NSW 2000

REFERENCE A: WOODLAWN WIND FARM (DA-250-10-2004 MOD1)

Dear Sir,

Woodlawn Wind Pty Ltd is seeking a minor modification to Reference A. The minor modification required applies to two aspects:

A. Reinstatement of Northern Access for Construction Traffic

The original development approval included provision for construction traffic access off Collector Road and onto the northern end of the wind farm ridge line. The land titles required for use of a northern construction access route were omitted from the recent DA modification application, though have since been confirmed as the most effective and lowest impact construction access route to the northern array of turbines. There is no variation to the potential environmental impacts as assessed and approved in the original or modified development consent and any such construction traffic access will be addressed in the traffic management sub plan of the Construction Environmental Management Plan that is yet to be assessed by the DoP.

On this basis, Woodlawn Wind requests the reinstatement of the land titles listed below to Schedule 1 of the Development Approval Conditions of Consent:

Lot	DP
88	754919
25	754919
30	754919
69	754919
6	830765
8	534616
5	830765

B. Reinstatement of Land Parcels

There are also a select few land parcels included in the original development approval which were inadvertently omitted from the subsequent modification. We would like to request that they be re-instated in Schedule 1 of the conditions of consent, as their inclusion is required to allow construction of the access roads and transmission lines as assessed in the development approval modification.



Woodlawn Wind

There is no variation to the potential environmental impacts as assessed and approved in the original or modified development consent, and on this basis Woodlawn Wind requests there reinstatement.

The following table summarises the land parcels which this request applies to:

Lot	DP
22	754919
7	114586
12	114586
7	256225

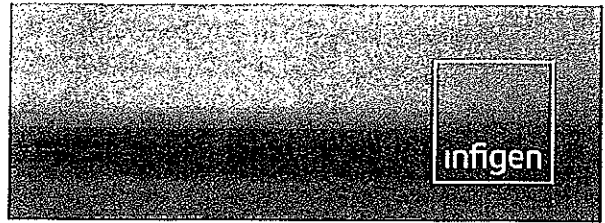
If you have any questions about the above requests please don't hesitate to contact me.

Regards,



David Griffin

Director



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

17 June 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,

A handwritten signature in black ink, appearing to read "David Griffin", is written over a horizontal line.

David Griffin

As the Owner of the following land titles, we consent to the lodging of the application to modify the Woodlawn Wind Farm Development Consent.

- a. Lot and DP 88/754919
- b. Lot and DP 25/754919
- c. Lot and DP 30/754919
- d. Lot and DP 6/830765
- e. Lot and DP 8/534616
- f. Lot and DP 5/830765
- g. Lot and DP 22/754919
- h. Lot and DP 7/114586

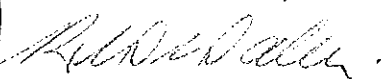
- i. Lot and DP 12/114586
- j. Lot and DP 7/256225

Mr Danny Conlon
NSW Manager

Date: 17/6/10




DOUGLAS THOMAS DEAN
DIRECTOR


REGINALD WILLIAM WALLIN
SECRETARY