

**DETERMINATION OF A DEVELOPMENT APPLICATION FOR
STATE SIGNIFICANT, DESIGNATED AND
INTEGRATED DEVELOPMENT UNDER SECTION 80 OF
THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

I, the Minister for Planning, under Section 80 of the *Environmental Planning and Assessment Act 1979* determine the development application referred to in Schedule 1 by granting consent subject to the conditions set out in Schedule 2.

The reason for the imposition of conditions is to:

- (i) Prevent, minimise, and/or offset adverse environmental impacts;
- (ii) Set standards and performance measures, and mechanisms to set such standards and performance measures for acceptable environmental performance;
- (iii) Require regular monitoring and reporting; and
- (iv) Provide for the on-going environmental management of the development.

Frank Sartor MP
Minister for Planning

Sydney _____ 2005

File No. 9036677-1

SCHEDULE 1

Development Application: DA-250-10-2004-i.

Applicant: Woodlawn WindEnergy Joint Venture (WWE JV)

Consent Authority: Minister for Planning

Land:

Lot	DP
31	80603
2	1020242
7002	1029514
7001	1029633
7001, 7002	1031302
1	1045652
2, 3, 4, 5, 6	114445
1, 2, 3, 4, 5, 6, 7 8, 9, 11, 12, 13	114586
1	126600
1	180491
1	241092
6, 7 8	256225
1, 2	313945
1	357155
1	523960
3, 8, 9, PT4	534616
1	543727
5	720171
3, 54, 55, 129, 145, 150	750056
2, 30, 47, 48, 49, 53, 63, 90, 207, 209, 228, 258, 259, 270, 271, 276, 277, 280, 286, 289, 295, 296, PT61	754894
14, 16, 17, 21, 22, 23, 24, 25, 27, 28, 29, 30, 33, 34, 35, 40, 41, 42, 55, 56, 57, 66, 67, 68, 69, 70, 86, 87, 88, 89, 90, 91, 92, 94, 95, 96, 97	754919
19, 20, 21	827588
4, 5, 6	830765
1	954149

Proposed Development: Construction and Operation of a wind farm consisting of 25 x 2 megawatt turbines and associated infrastructure, as described in the *Woodlawn Wind Farm Environmental Impact Statement* (Volumes 1 & 2) prepared by URS, dated September 2004, as revised by a report entitled: *Assessment of Revised Transmission Line Option: Woodlawn Wind Farm* prepared by URS, dated 11 February 2005; *Raptor and Waterbird Movements at Woodlawn Wind Farm Site* prepared by URS, dated 08 February 2005; *Targeted Reptile Search at Woodlawn*

Wind Farm prepared by URS, dated 15 November 2004; *An Assessment of the Bat Fauna at the Proposed Woodlawn Wind Farm, NSW*, prepared by Dr GC Richards, dated April 2005; *Archaeological sub-surface testing of the proposed Woodlawn wind farm, Tarago, New South Wales* prepared by Jamie Reeves, dated July 2005; and the letter addressed to DIPNR from URS dated 12 August 2005 regarding Aviation Obstacle Lights.

State Significant Development

The Minister Assisting the Minister for Infrastructure and Planning (Planning Administration) made a declaration on 4 August 2004, pursuant to section 76A (7)(b) of the *Environmental Planning and Assessment Act 1979* which covered the area subject to the WWE JV development application. The declaration was published in the New South Wales Government Gazette on 20 August 2004. The declaration identified that the development of a wind farm on land identified in a schedule accompanying the declaration and comprising wind generation turbines and towers with an installed generating capacity of $\geq 60\text{MW}$, or 30 or more towers, or an installed generating capacity of $\geq 30\text{MW}$ and located in more than one council area, is State Significant Development. Consequently the Minister is the Consent Authority for the development application.

Integrated Development:

The proposal is classified as integrated development, under Section 91 of the *Environmental Planning and Assessment Act 1979*, because it requires additional approvals from the Department of Environment and Conservation under the *Protection of the Environment Operations Act 1997* and the *National Parks and Wildlife Act 1974*, the Department of Natural Resources under the *Rivers and Foreshores Improvement Act 1948* and Goulburn Mulwaree Council under the *Roads Act 1993*.

Designated Development:

The proposal is classified as designated development, under Clause 18(1)(c) of Schedule 3 of the *Environmental Planning & Assessment Regulation 2000*, because the proposal constitutes an electricity generating station which will supply or is capable of supplying more than 30 megawatts of electrical power.

Lapsing of Consent

This Consent lapses five (5) years after the date from which it operates in accordance with Section 95(2) of the Act.

Note:

- (1) See Section 83 of the Act to find out when this Consent becomes effective; and
- (2) See Section 97 of the Act to find out about appeal rights.

SCHEDULE 2

In this Consent, except in so far as the context or subject-matter otherwise indicates or requires, the following terms have the meanings indicated:

Act	<i>Environmental Planning and Assessment Act, 1979</i>
Applicant	Woodlawn WindEnergy Joint Venture (WWE JV)
AHD	Australian Height Datum
BCA	Building Code of Australia
CASA	Civil Aviation Safety Authority
Commissioning	Commencement of testing and connection of any individual turbine(s) and may include concurrent on-going construction activities
Conditions of Consent	The conditions set out in this Schedule
Consent	The Consent granted by the Minister for Planning to the development described in Schedule 1
CEMP	Construction Environmental Management Plan
Construction	Any activity requiring a Construction Certificate, the laying of a slab or significant excavation work
Councils	Goulburn Mulwaree Council and Palerang Council
dB(A)	Decibel (A-weighted scale)
Department	NSW Department of Planning
DEC	NSW Department of Environment and Conservation (incorporates the former NSW Environment Protection Authority and National Parks and Wildlife Service)
Development	The development to which this Consent applies, the scope of which is described in the documents listed under Condition No. 2 of this Consent
Director General	Director General of the NSW Department Planning, or delegate
Dust	Any solid material that may become suspended in air or deposited
EIS	<i>Woodlawn Wind Farm Environmental Impact Statement</i> (Volumes 1 & 2) prepared by URS, dated September 2004 and as revised by a report entitled <i>Assessment of Revised Transmission Line Option: Woodlawn Wind Farm</i> prepared by URS, dated 11 February 2005
EPA	NSW Environment Protection Authority (now incorporated into the DEC)
EPL	Licence issued under the <i>Protection of the Environment Operations Act, 1997</i>
ER	Environmental Representative
L _{Aeq} (10-minute)	Equivalent average sound pressure level that is measured over a 10 minute period
Lin Peak	Linear Peak
Minister	NSW Minister for Planning, or delegate
OEMP	Operational Environmental Management Plan

Operation	Within three months of the commencement of Commissioning, unless otherwise agreed to by the Director General
Premises	Sub-areas of the Site, as consistent with the relevant DEC/EPA EPL.
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
Publicly Available	Available for inspection by a member of the general public (for example available on an internet site or at a display centre)
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.
Regulation	<i>Environmental Planning and Assessment Regulation, 2000</i>
Relevant Government Agencies	Department of Natural Resources, Lands Department, Sydney Catchment Authority
RFS	Rural Fire Service
RTA	Roads and Traffic Authority
SA Guidelines	The South Australian Environmental Protection Authority's <i>Wind Farms: Environmental Noise Guidelines</i> (2003)
SCA	Sydney Catchment Authority
Site	The land to which this Consent applies

Conditions of Consent Table of Contents

GENERAL CONDITIONS.....	8
Obligations to Minimise Harm to the Environment.....	8
Scope of Development	8
Statutory Requirements	8
Dispute Resolution	9
Provision and Protection of Public Infrastructure	9
Compliance.....	9
Construction and Part 4A Certification.....	10
Environmental Monitoring	11
Environmental Impact Audits.....	11
Annual Performance Reporting	12
ENVIRONMENTAL MANAGEMENT.....	12
Construction Hours.....	12
Blasting and Vibration.....	13
Environmental Representative.....	13
Greenhouse and Energy Management Strategy	14
Air Quality Management Strategy	14
Construction Environmental Management Plan.....	14
Operation Environmental Management Plan	17
COMMUNICATION AND CONSULTATION.....	19
Information on the Development.....	19
Complaints Management System.....	19
VISUAL AMENITY.....	20
General	20
Signs	20
Lighting	20
NOISE.....	20
Operational Noise Criteria	20
Noise Compliance Monitoring During Operation.....	21
Noise Mitigation – Vacant Lots	22
HERITAGE	22
Indigenous Heritage Management.....	22
Historical Relics	22
MISCELLANEOUS REQUIREMENTS	23
Spoil and Fill Management	23
Road Dilapidation Report.....	23
Aviation	23
Hazards	23
Electromagnetic Interference.....	24
Community Contributions	25
Waste Management and Recycling	25
Decommissioning	25

GENERAL CONDITIONS

Obligations to Minimise Harm to the Environment

- 1 The Applicant must implement all practicable measures to prevent and minimise any harm to the environment that may result from the Construction, Commissioning, Operation and decommissioning of the Development.

Scope of Development

- 2 ¹The Applicant shall carry out the development generally in accordance with the following documents:
 - (a) Development Application No. DA-250-10-2004-i lodged with the Department of Infrastructure, Planning and Natural Resources on 1 October 2004;
 - (b) *Woodlawn Wind Farm Environmental Impact Statement* (Volumes 1 & 2) prepared by URS, dated September 2004 and as revised by a report entitled *Assessment of Revised Transmission Line Option: Woodlawn Wind Farm* prepared by URS, dated 11 February 2005;
 - (c) *Woodlawn Wind Farm Noise Assessment* prepared by Wilkinson Murray (Report No. 04098, Version B), dated September, 2004;
 - (d) Letter from URS – Woodlawn Wind Farm Development Application (DA 250-10-2004-i) “Stop the Clock Response” (25 January 2005);
 - (e) Letter from Wilkinson Murray Acoustical Consultants – Woodlawn Wind Farm – Clarification of DEC Issues (17 January 2005);
 - (f) *Raptor and Waterbird Movements at Woodlawn Wind Farm Site* – a report prepared for the Applicant by URS dated 8 February 2005
 - (g) *Targeted Reptile Search at Woodlawn Wind Farm* – a report prepared for the Applicant by URS dated 15 November 2004;
 - (h) *An Assessment of the Bat Fauna at the Proposed Woodlawn Wind Farm, NSW* – a report prepared by Greg Richards and Associates Pty Ltd, dated April 2005; and
 - (i) The Conditions of Consent.

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

Statutory Requirements

- 3 The Applicant must ensure that all necessary licences, permits and approvals are obtained and kept up-to-date as required throughout the life of the Development. None of the Conditions of Consent removes the obligation for the Applicant to obtain, renew or comply with such licences, permits or approvals.

¹ Incorporates DEC General Terms of Approval A1.1

Dispute Resolution

- 4 In the event that a dispute arises between the Applicant and Council or the Applicant and a public authority other than the Department, in relation to a specification or requirement applicable under this Consent, the matter must be referred by either party to the Director General, or if not resolved, to the Minister, whose determination of the dispute must be final and binding on all parties. For the purpose of this condition, “public authority” has the same meaning as provided under Section 4 of the Act.

Note: Section 121 of the Act provides mechanisms for resolution of disputes between the Department, the Director General, councils and public authorities.
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Provision and Protection of Public Infrastructure

- 5 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.

Note: Note: The Applicant must ensure that all works are carried out in accordance with the Act, the Regulation, the <i>Local Government Act 1993 (Approvals) Regulations</i> , and the BCA.
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Compliance

General

- 6 The Applicant must be responsible for environmental impacts resulting from the actions of all persons on-site, including contractors, subcontractors and visitors.
- 7 The Director General may require update report(s) on compliance with all, or any part, of the Conditions of Consent. The report (s) must meet the requirements of the Director General and be submitted within such period as the Director General may require.
- 8 The Applicant must meet the requirements of the Director General in respect of the implementation of any measure necessary to ensure compliance with the Conditions of Consent, and general consistency with the documents listed under Condition No. 2 of this Consent. The Director General may direct that such a measure be implemented in response to the information contained within any report, plan, correspondence or other document submitted in accordance with the Conditions of Consent, within such time as the Director General may require.

Pre-Construction Compliance Report

- 9 The Applicant must submit a *Pre-Construction Compliance Report* to the Director General at least two weeks prior to the commencement of construction (or within a time agreed to by the Director General). The *Pre-Construction Compliance Report* must include details of:
 - (a) how the Conditions of Consent required to be addressed prior to construction have been complied with;

- (b) when each relevant condition of this Consent was complied with, including submission dates of any required report and/or approval dates; and
- (c) any approvals or licences required to be issued by relevant Government Agencies prior to the commencement of construction.

Construction Compliance Report

- 10 The Applicant must provide the Director General with a *Construction Compliance Report* within six weeks of the end of the first six months of construction (or at any other time interval agreed to by the Director General). The Environmental Representative must certify the adequacy of the report before it is submitted to the Director General. The *Construction Compliance Report* must be made publicly available and include:
- (a) information on compliance with the CEMP and the Conditions of Consent;
 - (b) information on compliance with any approvals or licences issued by Relevant Government Agencies for Construction;
 - (c) information on the implementation and effectiveness of environmental controls. The assessment of effectiveness should be based on a comparison of actual impacts against performance criteria identified in the CEMP;
 - (d) a summary and analysis of environmental monitoring results;
 - (e) the number and details of any complaints, including a summary of the main areas of complaint, action taken, response given and intended strategies to reduce recurring complaints;
 - (f) details of any review and amendments to the CEMP resulting from Construction during the reporting period; and
 - (g) any other matter relating to compliance with the Conditions of Consent or as requested by the Director General.

Pre-Operation Compliance Report

- 11 The Applicant must submit a *Pre-Operation Compliance Report* to the Director General at least two weeks prior to the commencement of Operation (or within a time agreed to by the Director General). The *Pre-Operation Compliance Report* must include details of:
- (a) how the Conditions of Consent required to be addressed prior to commencement of Operation have been complied with;
 - (b) when each relevant condition of this Consent was complied with, including submission dates of any required report and/or approval dates; and
 - (c) any approvals or licences required to be issued by Relevant Government Agencies prior to the commencement of Operation.

Construction and Part 4A Certification

- 12 Prior to the commencement of Construction, the Applicant must erect at least two signs in a prominent place at the site boundary where the signs can be viewed from the nearest public place. The signs must indicate:
- (a) the name, address and telephone number of the Principal Certifying Authority;
 - (b) the name of the person in charge of the construction site and telephone number at which the person may be contacted outside working hours; and
 - (c) a statement that unauthorised entry to the construction site is prohibited.

The signs must be maintained for the duration of construction works, and must be removed as soon as practicable after the conclusion of the construction works.

Note: The Applicant must ensure that all works are carried out in accordance with the Act, the Regulation, the *Local Government Act 1993 (Approvals) Regulations*, and the BCA.

Environmental Monitoring

General Monitoring Requirements

- 13 ²The Applicant must undertake all monitoring, including recording and reporting of monitoring results, as required under this Consent and as may be specified in an EPL for the Development.
- 14 ³The results of any monitoring required under this Consent must be:
- (a) recorded and maintained in a legible form, or in a form which can be readily reduced to a legible form;
 - (b) kept for at least 4 years after the monitoring or event to which they relate took place; and
 - (c) produced in a legible form to any authorised officer of the DEC or the Department who asks to see them.
- 15 ⁴ The following records must be kept in respect of any samples required to be collected:
- (a) the date(s) on which the sample was taken;
 - (b) the time(s) at which the sample was collected;
 - (c) the location at which the sample was taken (including, if relevant, a description of the DEC identification point); and
 - (d) the name and qualifications of the person who collected the sample.

Environmental Impact Audits

Environmental Impact Audit Report – Construction

- 16 An *Environmental Impact Audit Report - Construction* must be prepared and submitted to the Director General within three months of Construction completion, or at any other time interval agreed to by the Director General. The Director General may request the Applicant to make the construction audit report available to other Relevant Government Agencies. The *Environmental Impact Audit Report - Construction* must:
- (a) identify the major environmental controls used during Construction and assess their effectiveness;
 - (b) summarise the main environmental management plans and processes implemented during Construction and assess their effectiveness;
 - (c) identify any innovations in Construction methods used to improve environmental management; and

² Incorporates Department of Environment and Conservation General Terms of Approval M1.1

³ Incorporates Department of Environment and Conservation General Terms of Approval M1.2

⁴ Incorporates Department of Environment and Conservation General Terms of Approval M1.3

- (d) discuss the lessons learned during Construction, including recommendations for future wind farm developments.

Environmental Impact Audit Report - Operation

17 An *Environmental Impact Audit Report - Operation* must be prepared and submitted to the Director General within three (3) months after a 24 month period of Operation and then at any additional periods requested by the Director General. The Director General may request the Applicant to make the operation audit report available to other Relevant Government Agencies and Council. The *Environmental Impact Audit Report - Operation* must:

- (a) be certified by an independent person at the Applicant's expense. The certifier must be approved by the Director General prior to the preparation of the audit report;
- (b) compare the operation impact predictions made in the EIS and documents identified in Condition 2;
- (c) assess the effectiveness of implemented mitigation measures and safeguards;
- (d) assess compliance with the systems for operation maintenance and monitoring; and
- (e) discuss the results of consultation with the local community particularly any feedback or complaints.

The results of the audit report must also be used to update the OEMP where necessary. The Applicant must notify the Director General, Relevant Government Agencies and Council of any updates to the OEMP and provide a copy on request.

Annual Performance Reporting

18 ⁵The Applicant must provide an annual return to the DEC in relation to the development as required by any EPL. In the annual return, the Applicant must:

- (a) provide a summary of complaints relating to the development; and
- (b) report on compliance with EPL conditions.

ENVIRONMENTAL MANAGEMENT

Construction Hours

19 ⁶Construction activities associated with the Development, including heavy vehicles entering and exiting the Site, may only be carried out between 7:00 am and 6:00 pm, Monday to Friday inclusive, and between 8:00 am and 1:00 pm on Saturdays. No work is to be carried out on Sundays and Public Holidays. The following activities may be carried out in association with Construction outside of these hours:

- (a) any works that do not cause noise emissions to be audible at any nearby residences not located on the Premises;
- (b) the delivery of materials as requested by Police or other authorities for safety reasons; and
- (c) emergency work to avoid the loss of lives, property and/or to prevent environmental harm.

⁵ Incorporates Department of Environment and Conservation General Terms of Approval R1.1

⁶ Incorporates Department of Environment and Conservation General Terms of Approval L7.1 and L7.2

Any work undertaken outside the specified construction hours, other than those specified in (a) – (c) of this Condition No. 19, must not be undertaken without prior consent of the DEC.

Blasting and Vibration

- 20 ⁷The airblast overpressure level from blasting in or on the Premises must not exceed:
- (a) 115dB (Lin Peak) for more than 5% of the total number of blasts during each reporting period; and
 - (b) 120dB (Lin Peak) at any time.
- 21 ⁸The ground vibration peak particle velocity from blasting operations carried out in or on the Premises must not exceed, when measured at any point within 1 metre of any affected residential boundary or other noise sensitive location:
- (a) 5mm/s for more than 5% of the total number of blasts carried out on the Site during each reporting period; and
 - (b) 10mm/s at any time.
- 22 ⁹Blasting operations on the Premises may only take place:
- (a) between 9:00am and 5:00pm Monday to Friday inclusive and between 9:00am and 1:00pm Saturday; and
 - (b) at such other times or frequency as may be approved by the DEC.

Environmental Representative

- 23 Prior to the commencement of Construction, the Applicant must nominate a suitably qualified and experienced Environmental Representative(s) (ER) whose appointment requires the approval of the Director General. The Applicant must employ the ER(s) on a full-time basis, or as otherwise agreed by the Director General, during the Construction, and Commissioning. An ER must also be employed during Operation. The ER must be:
- (a) the primary contact point in relation to the environmental performance of the Development;
 - (b) responsible for all management plans and monitoring programs required under this Consent;
 - (c) responsible for considering and advising on matters specified in the Conditions of Consent, and all other licences and approvals related to the environmental performance and impacts of the Development;
 - (d) responsible for receiving and responding to complaints in accordance with this Consent; and
 - (e) given the authority and independence to require reasonable steps be taken to avoid or minimise unintended or adverse environmental impacts, and failing the effectiveness of such steps, to direct that relevant actions be ceased immediately should an adverse impact on the environment be likely to occur.

⁷ Incorporates Department of Environment and Conservation General Terms of Approval L8.1.

⁸ Incorporates Department of Environment and Conservation General Terms of Approval L8.2.

⁹ Incorporates Department of Environment and Conservation General Terms of Approval L8.3.

The Applicant must obtain approval from the Director General for changes to the appointment of the ER during Construction. The Applicant must notify the Director General of any changes to the appointment during Operation.

Greenhouse and Energy Management Strategy

- 24 A *Greenhouse and Energy Management Strategy* must be prepared to ensure the use of non-renewable resources from Construction and Operation is minimised. The strategy must incorporate the mitigation measures identified in Section 19.4 of the EIS.

Air Quality Management Strategy

- 25 ¹⁰An *Air Quality Management Strategy* must be prepared to control Dust and air emissions resulting from Construction and Operation. The strategy must incorporate the mitigation measures identified in Section 18.5 of the EIS.

Construction Environmental Management Plan

- 26 The Applicant must prepare and implement a *Construction Environmental Management Plan* (CEMP) in accordance with the Department's publication entitled *Guideline for the Preparation of Environmental Management Plans* (2004) or its latest revision. The Applicant must ensure that the mitigation and monitoring measures identified in the EIS (see in particular Section 22 of the EIS) and its attachments, and in these Conditions of Consent are incorporated into the CEMP and that the CEMP is Publicly Available.

The CEMP must be prepared in consultation with the Relevant Government Agencies and Councils, and certified by the ER as being in accordance with the Conditions of Consent.

The CEMP must be submitted for the approval of the Director General at least one month prior to the commencement of Construction, or within such a period otherwise agreed by the Director General.

- 27 Site preparation and Construction associated with the Development must not commence until written approval for the CEMP has been received from the Director General. Upon receipt of the Director General's approval, the Applicant must supply a copy of the CEMP to the DEC, SCA and Councils as soon as practicable.

Traffic and Transport Management Sub Plan

- 28 As part of the CEMP, a *Construction Traffic and Transport Management Sub Plan* must be prepared in consultation with Goulburn Mulwaree Council¹¹, the RTA and NSW Police. The sub plan must:
- (a) include the mitigation measures outlined in Section 14.6 of the EIS;
 - (b) identify designated transport routes for heavy vehicles to the Development Site;
 - (c) include measures to minimise traffic disruption through Goulburn and in the vicinity of the Development Site;
 - (d) include measures to minimise disturbance from traffic noise;
 - (e) include measures to manage Construction traffic to ensure the safety of:

¹⁰ Incorporates Department of Environment and Conservation General Terms of Approval O4.1.

¹¹ Incorporates Goulburn Mulwaree Council's GTA No. 3.

- (i) livestock and limit disruption to livestock movement;
 - (ii) school children and limit disruption to school bus timetables;
- (f) include a community information program to inform the community of traffic disruptions resulting from the construction program; and
- (g) outline a complaints management procedure for traffic impacts.

Flora and Fauna Management Sub Plan

29 A *Flora and Fauna Management Sub Plan* must be prepared as part of the CEMP. The sub plan must be prepared in consultation with the DEC and Council and include:

- (a) plans showing terrestrial vegetation communities; important flora and fauna habitat areas; locations where threatened species, populations or ecological communities were recorded; and areas to be cleared. The plans must also identify vegetation adjoining the Development where this contains important habitat areas and/or threatened species, populations or ecological communities;
- (b) methods to manage impacts on flora and fauna species (terrestrial and aquatic) and their habitat which may be directly or indirectly affected by the Development. These must include:
 - i procedures for vegetation clearing, soil management and minimising other habitat damage (terrestrial and aquatic) during Construction;
 - ii methods to protect vegetation both retained within, and also adjoining, the Development from damage during Construction;
 - iii a habitat tree management program including fauna recovery procedures and habitat maintenance (e.g. relocating hollows or installing nesting boxes);
 - iv where possible, and where consistent with DEC requirements, strategies for re-using in rehabilitation works individuals of any threatened plant species that would be otherwise be destroyed by the Development;
 - v performance criteria against which to measure the success of the methods;
- (c) rehabilitation details including:
 - i identification of locally native species to be used in rehabilitation and landscaping works, including flora species suitable as a food resource for threatened fauna species;
 - ii the source of all seed or tube stock to be used in rehabilitation and landscaping works including the identification of seed sources within the Site. Seed of locally native species within the Development Site should be collected before Construction commences to provide seed stock for revegetation;
 - iii methods to re-use topsoil (and where relevant subsoils) and cleared vegetation;
 - iv measures for the management and maintenance of all preserved, planted and rehabilitated vegetation (including aquatic vegetation);
- (d) the mitigation measures outlined in:
 - i Table 11.9 of the EIS;
 - ii Section 5 of the report entitled *Raptor and Waterbird Movements at Woodlawn Wind Farm Site*, as identified in Condition No. 2(f);
 - iii Table 5.1 of the report entitled *Assessment of Revised Transmission Line Option: Woodlawn Wind Farm*, as identified in Condition No. 2(b);
 - iv Section 5 of the report entitled *Targeted Reptile Search at Woodlawn Wind Farm*, as identified in Condition No. 2(g); and
 - v the section headed *Recommendations* of the report entitled *An Assessment of the Bat Fauna at the Proposed Woodlawn Wind Farm, NSW*, as identified in Condition No. 2(h).

- (e) a Weed Management Strategy including:
 - i identification of weeds within the Development Site and adjoining areas;
 - ii weed eradication methods and protocols for the use of herbicides;
 - iii methods to treat and re-use weed infested topsoil;
 - iv strategies to control the spread of weeds during Construction; and
- (f) a program for reporting on the effectiveness of terrestrial and aquatic flora and fauna management measures against the identified performance criteria. Management methods must be reviewed where found to be ineffective.

Construction Soil and Water Quality Management Sub Plan

- 30 A *Construction Soil and Water Management Sub Plan* must be prepared as part of the CEMP. The sub plan must be prepared in consultation with Relevant Government Agencies and Councils. The sub plan must:

- (a) include, where appropriate, fencing of access tracks, turbines and the substation;
- (b) incorporate the mitigation measures identified in Sections 16.6 and 17.5 of the EIS;
- (c) incorporate the mitigation measures identified in Table 5.1 of the report entitled *Assessment of Revised Transmission Line Option: Woodlawn Wind Farm*;
- (d) where relevant, be consistent with the Department of Housing's guideline *Managing Urban Stormwater - Soils and Construction*, the RTA's *Guidelines for the Control of Erosion and Sedimentation in Roadworks*, the DIPNR *Constructed Wetlands Manual* and Landcom's manual entitled *Soils and Construction Managing Urban Stormwater (2004)*;
- (e) identify the Construction activities that could cause soil erosion or discharge sediment or water pollutants from the Development Site;
- (f) describe management methods to minimise soil erosion or discharge of sediment or water pollutants from the Development Site including a strategy to minimise the area of bare surfaces during Construction;
- (g) describe the location and capacity of erosion and sediment control measures;
- (h) identify the timing and conditions under which Construction stage controls will be decommissioned;
- (i) include contingency plans to be implemented for events such as fuel spills; and
- (j) identify how the effectiveness of the sediment and erosion control system will be monitored, reviewed and updated.

- 31 ¹²An appropriately qualified soil scientist must be consulted according to a schedule identified in the sub plan required in Condition No. 30 to:

- (a) undertake inspections of temporary and permanent erosion and sedimentation control devices;
- (b) ensure that the most appropriate controls are being implemented;
- (c) check that controls are being maintained in an efficient condition; and
- (d) check that controls meet the requirements of any relevant approval and/or licence condition.

- 32 ¹³The Applicant must submit a Part 3A permit application under the *Rivers and Foreshores Improvement Act* to the Department for the four crossings located at chainages 2880, 4330, 5270, and 5910 as shown on URS Australia Ltd Drawings CO-602, CO-603, and CO-604

¹² Incorporates the Department of Natural Resource's GTA requirements.

¹³ Incorporates the Department of Natural Resource's GTA requirements.

(Revisions A), dated 7/2/05, at least one month prior to the works commencing, and include the following design details:

- (a) full cross-section and long sectioned design detail including drawings of the four culverts;
- (b) full cross-section and long section detail of the existing creek line for a distance of 20 metres both upstream and downstream of each of the four culverts;
- (c) full cross-section and long section detail of the creek bed/bank stabilisation works at either/or the upstream entry/outlet points of flow into or exiting from each of the culverts; and
- (d) details on any remediation/stabilisation works (including revegetation) of disturbed areas adjoining the culvert crossing and road construction works.

Operation Environmental Management Plan

- 33 The Applicant must prepare and implement an *Operation Environmental Management Plan* (OEMP) in accordance with the Department's publication entitled *Guideline for the Preparation of Environmental Management Plans* (2004) or its latest revision. The Applicant must ensure that the mitigation and monitoring measures identified in the EIS (see in particular Section 22 of the EIS) and its attachments, and in these Conditions of Consent are incorporated into the OEMP and that the OEMP is Publicly Available. The OEMP must be prepared in consultation with the Relevant Government Agencies and Council, and must be certified by the ER as being in accordance with the Conditions of Consent. The OEMP is to be submitted for the approval of the Director General no later than one month prior to the commencement of Operation, or within such period otherwise agreed to by the Director General.
- 34 Operation must not commence until written approval of the OEMP has been received from the Director General. Upon receipt of the Director General's approval, the Applicant must supply a copy of the OEMP to the DEC, SCA and Councils as soon as practicable.

Operation Flora and Fauna Management Sub Plan

- 35 An *Operation Flora and Fauna Management Sub Plan* must be prepared as part of the OEMP. The sub plan must include:
 - (a) plans showing terrestrial vegetation communities, important flora and fauna habitat areas, areas to be protected, and areas to be planted;
 - (b) methods for managing flora and fauna and their habitats which are directly or indirectly affected by the Development;
 - (c) the mitigation measures outlined in:
 - i Table 11.9 of the EIS;
 - ii Section 5 of the report entitled *Raptor and Waterbird Movements at Woodlawn Wind Farm Site*, as identified in Condition No. 2(f);
 - iii Table 5.1 of the report entitled *Assessment of Revised Transmission Line Option: Woodlawn Wind Farm*, as identified in Condition No. 2(b);
 - iv Section 5 of the report entitled *Targeted Reptile Search at Woodlawn Wind Farm*, as identified in Condition No. 2(g);
 - v the section headed *Recommendations* of the report entitled *An Assessment of the Bat Fauna at the Proposed Woodlawn Wind Farm, NSW*, as identified in Condition No. 2(h); and
 - (d) strategies to control the spread of weeds during Operation.

Operation Soil and Water Management Sub Plan

- 36 An *Operation Soil and Water Management Sub Plan* must be prepared as part of the OEMP. The sub plan must incorporate the mitigation measures identified in the Sections 16.6 and 17.5 of the EIS and Table 5.1 of the report entitled *Assessment of Revised Transmission Line Option: Woodlawn Wind Farm*.

Bird and Bat Adaptive Management Program

- 37 A *Bird and Bat Adaptive Management Program* must be prepared as part of the OEMP and undertaken by a suitably qualified expert approved by the Director General and must:
- (a) incorporate monitoring, and a decision matrix that clearly describes how the Applicant will respond to the outcomes of monitoring;
 - (b) incorporate an on-going role for the suitably qualified expert;
 - (c) set out monitoring techniques, taking into account best practice bird and bat monitoring methods for wind farms such as those identified in the current editions of *AusWEA Best Practice Guidelines for the Implementation of Wind Energy Projects in Australia* and *Assessing the Impacts of Windfarms on Birds - Protocols and Data Set Standards*;
 - (d) account for natural and human changes to the surrounding environment that might influence bird and/or bat behaviour such as changes in land use practices, and significant changes in water levels in nearby waterbodies;
 - (e) incorporate a decision making framework that sets out specific actions and when they may be required, to reduce identified impacts on birds and bats;
 - (f) identify 'at risk' bird and bat groups and include monthly censuses of their movements; and
 - (g) set out available mitigation measures including, but limited to, those identified in Condition No. 35(c).
- 38 The Applicant must prepare annual reports commencing 12 months from the start of Operation describing the activities undertaken within the *Bird and Bat Adaptive Management Program*. The reports must be prepared within 2 months of the end of the reporting period and be provided to the Director General. The reports must address the:
- (a) outcomes of monitoring;
 - (b) application of the decision making framework;
 - (c) need for mitigation measures;
 - (d) progress with implementation of mitigation measures; and
 - (e) effectiveness of the mitigation measures.
- 39 The Applicant must implement all Reasonable and Feasible mitigation measures where the need for further action is identified through the *Bird and Bat Adaptive Management Program*.

Off-Site Landscape Sub Plan

- 40 As part of the OEMP the Applicant must develop and implement an *Off-Site Landscape Sub Plan* to address visual impacts of the proposed development for any owner of an existing or approved residential dwelling with views of turbine(s) located within four kilometres of their dwelling. The Applicant must notify in writing all owners of a residential dwelling with views of turbines located within four kilometres of their residential dwelling, prior to the commencement of Commissioning. These owners may request, no later than six months after commencement

of Operation, inclusion of their property in the *Off-Site Landscape Sub Plan*. The Applicant must implement all Reasonable and Feasible requirements for landscape works to provide screening from the turbines. The sub plan is to be fully implemented within 18 months of the commencement of Operation.

COMMUNICATION AND CONSULTATION

Information on the Development

- 41 The Applicant must make all documents relevant to this Consent, with the exception of that information that may be legitimately claimed is of a confidential commercial nature, Publicly Available at a location on the Development Site convenient for inspection by visitors.
- 42 The Applicant must establish an internet web site before Construction commences and maintain the internet web site until Construction ends. This internet web site must:
 - (a) indicate the date of the last update and the frequency of the internet web site updates;
 - (b) contain periodic updates of work progress, consultation activities and planned work schedules;
 - (c) be updated within one working day where significant changes in noise or traffic impacts are anticipated;
 - (d) identify relevant approval authorities and their areas of responsibility;
 - (e) include a list of reports and plans that are Publicly Available under this Consent and details of how these can be accessed;
 - (f) include the contact names and phone numbers of relevant communications staff; and
 - (g) include the 24 hour complaints contact telephone number.
- 43 The Applicant must ensure that the local community and businesses are advised of Construction activities that could cause disruption. Methods to disseminate this information must be identified in the CEMP. Information to be provided must include:
 - (a) details of any traffic disruptions and controls;
 - (b) construction of any temporary detours; and
 - (c) work approved to be undertaken outside the normal Construction hours, in particular noisy works, before such works are undertaken.

Complaints Management System

- 44 Prior to the commencement of Construction, the Applicant must ensure that the following is available for the life of the Development:
 - (a) a postal address to which written complaints may be sent;
 - (b) an e-mail address to which electronic complaints may be transmitted; and
 - (c) a 24-hour telephone contact line. This must provide for:
 - i ¹⁴complaints about operations associated with the development on the Development Site to be followed-up by the DEC with the licensee or a representative of the licensee who can respond at all times to incidents relating to individual premises; and

¹⁴ Incorporates Department of Environment and Conservation General Terms of Approval G2.1

- ii construction and operational complaints associated with the Development to be registered by the community.

- 45 The Applicant must keep a legible record of all complaints received in an up-to-date Complaints Register. The Complaints Register must record, but not necessarily be limited to:
- (a) the date and time, where relevant, of the complaint;
 - (b) the means by which the complaint was made (telephone, mail or e-mail);
 - (c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
 - (d) the nature of the complaint;
 - (e) any action(s) taken by the Applicant in relation to the complaint, including any follow-up contact with the complainant; and
 - (f) if no action was taken by the Applicant in relation to the complaint, the reason(s) why no action was taken.

The Complaints Register must be made available for inspection on request of the Department or an authorised officer of the DEC. The record of a complaint must be kept for at least four years after the complaint was made.

VISUAL AMENITY

General

- 46 The Applicant must implement the landscape and visual mitigation measures identified in Table 9.5 of the EIS.

Signs

- 47 No advertising or signs are to be mounted on the turbines or placed on the Development Site, except where required for safety purposes. A corporate logo may be placed on the turbines providing it is not distinguishable by the naked eye from any publicly accessible location or from any non associated properties. Appropriately sized information boards are also permitted to be erected at the viewing platform.

Lighting

- 48 There must be no external night lighting of infrastructure associated with the Development, including the wind turbines, other than low intensity security lighting, unless otherwise agreed by the Director General or required by CASA.

NOISE

Operational Noise Criteria

- 49 ¹⁵Noise generated from the Development must not exceed at the identified properties the equivalent noise level ($L_{Aeq, 10}$) adjusted for any tonality as presented in the table below.

10m (height)wind speed (m/s)	Noise level L_{Aeq} (10 minute) – 24 hours a day			
	Property described in the	Property described in the	Property described in the EIS as Bonnie	Property described in the EIS as

¹⁵ Incorporates Department of Environment and Conservation General Terms of Approval L6.1 and L6.4.

	EIS as Kildare	EIS as Glendale	Doon	Torokina
2	35	35	35	35
3	35	35	35	35
4	35	35	35	35
5	35	35	35	35
6	35	35	35	35
7	35	35	35	36
8	36	35	35	37
9	36	35	35	38
10	37	36	35	39
11	38	36	35	39
12	38	37	35	40
13	39	37	35	41
14	39	38	35	41
15	40	39	36	42

- 50 ¹⁶The noise limits applied to the four properties identified in Condition No. 49 must be applied to all residences that were identified as being 'representative' as described in Section 2, Volume 2 of the EIS.
- 51 ¹⁷Noise from the Premises is to be measured at the most affected point within the residential boundary, or at the most affected point within 30 metres of the dwelling where the dwelling is more than 30 metres from the boundary, to determine compliance with the noise level limits set out in the table at Condition No. 49.
- 52 ¹⁸The modification factors presented in Section 4 of the *New South Wales Industrial Noise Policy* (NSW EPA, January, 2000), must be applied to the measured noise level where applicable.

Noise Compliance Monitoring During Operation

- 53 ¹⁹The Applicant must prepare a *Noise Compliance Assessment Plan* which must be submitted to and approved by the DEC prior to Commissioning of the wind turbines. The *Noise Compliance Assessment Plan* must outline how the *Noise Compliance Assessment*, as described in Conditions Nos. 54-55, will be undertaken.
- 54 ²⁰The *Noise Compliance Assessment* must include, but not be limited to:
- (a) a commitment that noise compliance monitoring must be undertaken within three calendar months of the commissioning of the wind turbines. If prevailing meteorological conditions do not allow the required monitoring to be undertaken in this period, the DEC must be notified and an extension of time may be sought;
 - (b) a requirement that all noise compliance monitoring results are to be submitted to the DEC within one month of completion of the monitoring. The DEC may request that

¹⁶ Incorporates Department of Environment and Conservation General Terms of Approval L6.2.

¹⁷ Incorporates Department of Environment and Conservation General Terms of Approval L6.4.

¹⁸ Incorporates Department of Environment and Conservation General Terms of Approval L6.3.

¹⁹ Incorporates Department of Environment and Conservation General Terms of Approval S2.

²⁰ Incorporates Department of Environment and Conservation General Terms of Approval S1.1, S1.2, S1.3(a & c), and S1.5.

additional noise compliance monitoring be undertaken and completed within a timeframe defined by the DEC;

- (c) a demonstration that wind measurements at the proposed wind monitoring station *Woodlawn 15* is consistent with the *Woodlawn 2* wind monitoring station; and
- (d) an assessment of the performance of the wind farm against the noise limits contained in Condition No. 49.

- 55 ²¹ ²²In the event that the *Noise Compliance Assessment* indicates that noise from the wind turbines exceeds the noise limits contained in Condition No. 49, the Applicant must investigate and propose the mitigation and management measures that are available to achieve compliance with the noise limits. The *Noise Compliance Assessment* must be undertaken in accordance with the procedures presented in the *SA Guidelines*.

Note: The data obtained using the compliance assessment procedures outlined in the *SA Guidelines* should be used to establish the noise levels contributed by the wind farm. The DEC will also consider other predictive compliance assessment techniques where these techniques can be justified. Although not directly applicable to wind farms, the NSW Industrial Noise Policy (INP) may provide additional guidance on predictive compliance assessment techniques.

Noise Mitigation – Vacant Lots

- 56 Reasonable and Feasible noise mitigation measures are to be provided by the Applicant for no more than one new dwelling, built on any vacant lot legally existing at the date of this Consent, upon which a residential dwelling would be permissible at the same date. Noise mitigation is to be provided if the noise levels from the Development at the approved location of the new residential dwelling would exceed the *SA Guidelines*.

Note: The intention is that this Condition of Consent does not apply to any potential future subdivision(s) that may be approved after the date of this Consent.

HERITAGE

Indigenous Heritage Management

- 57 A *Cultural Heritage Management Sub Plan* must be prepared as part of the CEMP. The sub plan must incorporate the mitigation measures identified in Section 8.0 of the report entitled *Archaeological sub-surface testing of the proposed Woodlawn wind farm, Tarago, New South Wales*, dated July 2005.
- 58 The Applicant must implement the General Terms of Approval provided by the DEC and reproduced in Attachment A to these Conditions of Consent.

Historical Relics

- 59 In the event that a non-indigenous heritage item is uncovered during Construction, all work in the vicinity of the object must cease and the Applicant must contact the NSW Heritage Council to determine an appropriate course of action prior to the re-commencement of work in the vicinity of the item.

²¹ Incorporates Department of Environment and Conservation General Terms of Approval S1.3(b).

²² Incorporates Department of Environment and Conservation General Terms of Approval S1.4.

MISCELLANEOUS REQUIREMENTS

Spoil and Fill Management

- 60 For the purposes of the Development, imported fill must be Virgin Excavated Natural Material as defined in the Environment Protection Authority's guideline *Assessment, Classification and Management of Liquid and Non-Liquid Wastes*.

Road Dilapidation Report

- 61 Road dilapidation reports must be prepared for the construction route where it passes along Cowper Road, Clinton Street, Blackshaw Road, Braidwood Road and Bungendore Road to the Collex Intermodal Terminal. These reports must be prepared before Construction commences and after Construction is complete. Copies of the reports must be provided to the relevant roads authority. Any damage resulting from Construction traffic, except that resulting from normal wear and tear, must be repaired at the Applicant's cost. Alternatively the Applicant may negotiate an alternative arrangement for road damage with the relevant roads authority.

Aviation

- 62 Details of the construction timetable are to be submitted to CASA prior to the commencement of Construction.
- 63 The following details are to be submitted to CASA prior to the commencement of Operation:
- (a) the 'as constructed' coordinates of the wind turbines (in latitude and longitude);
 - (b) the final height in metres AHD for each wind turbine; and
 - (c) the ground level at the base of each of the wind turbines, in metres AHD.
- 64 In the event that required aerial weed control is restricted on any property surrounding the Development Site due to the location of turbines, the Applicant must fully fund the cost difference between aerial weed spraying and a reasonable alternative weed control method in the restricted area.

Hazards

Bushfire Risk

- 65 As part of the Construction and Operation EMPs, the Applicant must prepare, in consultation with the Taylors Creek Rural Fire Service, a *Bushfire Risk Management Sub Plan* based on the guidelines *Planning for Bushfire Protection* (RFS, 2001 or its latest edition). The sub plan must include:
- (a) details of the bushfire hazards and risks associated with the Development;
 - (b) mitigation measures including contingency plans;
 - (c) procedures and programs for liaison and regular drills with the Taylors Creek Rural Fire Service; and
 - (d) procedures for regular fire prevention inspections by the Taylors Creek Rural Fire Service and implementation of any recommendations.
- 66 The Applicant must implement the measures identified in Sections 20.5.1 and 20.5.2 of the EIS.

Safety Management System

- 67 At least two months prior to Commissioning, the Applicant must prepare a report outlining a comprehensive *Safety Management System*, covering all on-site systems related to ensuring the safe Operation. The report must clearly specify all safety related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to the procedures. The *Safety Management System* must be developed in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 9, 'Safety Management'*, and should include:
- (a) procedures and programs for the maintenance and testing of the safety related equipment to ensure its integrity over the life of the Development; and
 - (b) an outline of a documented procedure for the management of change.

Electromagnetic Interference

Television Interference

- 68 Prior to the erection of any wind turbine on the Development Site, the Applicant must advise in writing, any owner of a residential dwelling located within five kilometres of a proposed wind turbine that an assessment of potential television interference is available to them. If requested by the owner, the Applicant must:
- (a) undertake an assessment of the existing quality of television reception; and
 - (b) reassess the electromagnetic interference to television reception during the first six months of Operation.

Any reassessment must be conducted within three months of a request being made.
Residential dwellings located on the Development Site are not included in this condition.

- 69 The Applicant must undertake any Reasonable and Feasible mitigation measures, at its own expense, to rectify any television reception problems identified in the reassessment conducted under Condition No. 68 and attributable to the Development, including but not limited to:
- (a) improving the existing antenna system;
 - (b) installing and maintaining a parasitic antenna system;
 - (c) installing and maintaining an alternative television connection such as a satellite receiving antenna; and
 - (d) providing a land line between the affected receiver and an antenna located in an area of favourable reception.

Radio Communication

- 70 Prior to the erection of any wind turbine on the Development Site, the Applicant must advise in writing the operator(s) of any two-way, fixed radio links crossing the Development Site that, at the request of the operator, the Applicant must:
- (a) undertake an assessment of the existing quality in consultation with the operator(s); and
 - (b) reassess the electromagnetic interference to radio reception during the first six months of Operation.

Any reassessment must be conducted within three months of a request being made.

- 71 The Applicant must undertake any Reasonable and Feasible mitigation measures, at its own expense, to rectify any radio reception problems identified in the reassessment conducted at Condition No. 70 and attributable to the Development, including but not limited to:
- (a) modifying the existing aerial;
 - (b) installing a directional antenna; and
 - (c) installing an amplifier to boost the signal.

Community Contributions

- 72 Prior to the commencement of any construction works the subject of this consent, payment of a contribution totalling \$17 200 covering the amount owing for proposed development, shall be made to Goulburn Mulwaree Council, in accordance with the provisions of Section 94 of the Act.

This amount will be reviewed annually, in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan, based on CPI movements (March to March) with any movement effective from 1 July.

Waste Management and Recycling

- 73 As part of the Construction and Operation EMPs the Applicant must prepare *Waste Management and Re-use Sub Plan(s)*. The sub plan(s) must address the management of wastes during the Construction and Operation stages respectively in accordance with the NSW Government's Waste Reduction and Purchasing Policy. The sub plan(s) must identify requirements for:
- (a) the application of the waste minimisation hierarchy principles of avoid/reduce/re-use/recycle/dispose;
 - (b) minimising the volume of wastewater produced and include, as a minimum, a commitment to install AAA-rated water conservation devices in the control room/facilities building;
 - (c) waste handling and storage. The human wastewater management system is to be designed in consultation with the SCA and according to the guidelines entitled *On-site Sewage Management for Single Households* and the AS/NZS 1547-2000 - On-site Domestic Wastewater Management;
 - (d) disposal of wastes. Specific details must be provided for cleared vegetation, contaminated materials, glass, metals and plastics, hydrocarbons (lubricants and fuels) and sanitary wastes; and
 - (e) any waste material that is unable to be re-used, re-processed or recycled, which must be disposed at a facility approved to receive that type of waste.

Decommissioning

- 74 Within one year of decommissioning, the Development Site must be returned, as far as practicable, to its condition prior to the commencement of Construction. All wind turbines and associated above ground structures (i.e. not including turbine foundations) including but not limited to, the substation, the control and facilities building and electrical infrastructure must be removed from the Development Site unless otherwise agreed by the Director General. All other

- elements associated with the Development, including Development Site roads, must be removed unless otherwise agreed to by the landowner(s).
- 75 If any wind turbine is not used for the generation of electricity for a continuous period of 12 months, it must be decommissioned unless otherwise agreed to by the Director General. The Applicant must keep independently verified annual records of the use of wind turbines for electricity generation. These records must be provided to the Director General upon request. The relevant wind turbine and any associated infrastructure is to be dismantled and removed from the Development Site within 18 months from the date that the wind turbine was last used to generate electricity.
- 76 Prior to the commencement of Construction, the Applicant must provide written evidence to the satisfaction of the Director General, that the lease agreements with the Site landowners have adequate provisions to require that decommissioning occurs in accordance with this Consent.

ATTACHMENT A

DEPARTMENT OF ENVIRONMENT AND CONSERVATION - GENERAL TERMS OF APPROVAL

Woodlawn Wind Farm, Tarago – Lots 14, 27, 55, 89 and 94 DP754919

ABORIGINAL CULTURAL HERITAGE

A. SECTION 90 CONSENT TO DESTROY AND SECTION 87 PERMIT TO SALVAGE

The applicant must apply for and comply with Section 90 Consent to Destroy and Section 87 Permit to Salvage under the *National Parks and Wildlife Act 1974*, as amended, for the Aboriginal sites “WL1” (AHIMS# 57-3-0366), “WL2” (57-3-0367), “WL4” (57-3-0369), “WL5” (57-3-0370), “WL6” (57-3-0371), “WL9” (57-3-0374), “WL11” (57-3-0376), “WL12” (57-3-0377), “WL13” (57-3-0378) and “WL14” (57-3-0379) that will be impacted during the course development of the Woodlawn Wind Farm, at Lots 14, 27, 55, 89 and 94 DP754919, Parish of Werriwa, NSW.

Section 87 and 90 Consent can be issued for the Aboriginal sites “WL1”, “WL2”, “WL4”, “WL5”, “WL6”, “WL9”, “WL11”, “WL12”, “WL13” and “WL14”, where the Aboriginal objects described in Schedule “A” below are situated upon the land described in Schedule “B”, and constitute objects within the meaning of Section 90 of the *National Parks and Wildlife Act 1974*, and where application has been made for consent to destroy those objects subject to the conditions set out below.

Schedule A: All Aboriginal objects located within the Aboriginal sites “WL1” (57-3-0366) located at grid reference: e734400 n6111660, “WL2” (57-3-0367) located at grid reference 733890e 6114790n, “WL4” (57-3-0369) located at grid reference 734290e 6114239n, “WL5” (57-3-0370) located at grid reference 733880e 6115500n, “WL6” (57-3-0371) located at grid reference 733870e 6114840n, “WL9” (57-3-0374) located at grid reference 734550e 611990n, “WL11” (57-3-0376) located at grid reference 734860e 6114970n, “WL12” (57-3-0377) located at grid reference 734250e 6114550n, “WL13” (57-3-0378) located at grid reference 734970e 6113270n and “WL14” (57-3-0379) located at grid reference 734940e 6112680n.

Schedule B: Lots 14, 27, 55, 89 and 94 DP754919, Parish of Werriwa, Woodlawn Wind Farm, Tarago, NSW.

Consent is issued subject to General Terms and Conditions covering all archaeological Permits and Consents, as well as the Specific Terms and Conditions pertaining to Consents to destroy Aboriginal objects and any Special Conditions, all of which conditions are detailed below. Consent does not cover human skeletal material.

B. SPECIFIC CONDITIONS APPLYING TO CONSENT AND PERMIT TO SALVAGE

1. The Consent covers only those objects described in the instrument of Consent and in any Schedules thereto.

2. In the case of Consents granted to cover development activities, the Consent is granted to cover only those circumstances described in the Schedules, and subject to there not being discovered in the course of further operations, in the progress of that development requiring the Consent, any other objects which will be damaged or destroyed by the continuation of the operation. (Destruction of such objects would require the granting of a separate Consent).
3. The Consent is conditional upon all relevant development approvals having been obtained.
4. Should the objects listed in Schedule 'A' above remain in existence two (2) years from the date of this document, the Consent shall be deemed to be void, and any further damage to the objects will require the preparation of a new Consent document.
5. The Consent enables the salvage of objects described in Schedule A. The salvage work is to be carried out by a qualified archaeologist and representatives of the relevant Aboriginal community, as per the methods described in the methodology submitted with a Consent and Permit application unless otherwise specified in the Special Conditions listed below.
6. Unless alternative arrangements are made any Aboriginal objects recovered, being the property of the Crown, shall be deposited at the Australian Museum, in accordance with adopted procedures for the deposition of Aboriginal objects as prescribed by The Australian Museum, at or before a period of two years from the date of expiration of the Permit or any renewal thereof, whichever occurs first. Information about deposition requirements can be obtained from the Aboriginal Collections Manager, Division of Anthropology, The Australian Museum, on (02) 9320 6000.
7. At the same time that Aboriginal objects are deposited in the Australian Museum, a copy of the report referred to in clause 9 below and a copy of the report referred to in clause 14 of the General Terms and Conditions, field notes, site plans, section drawings and relevant photographs, shall be deposited at The Australian Museum.
8. Should any 'relic', defined under the Heritage Act of NSW be uncovered, then excavation or disturbance of that area is to stop immediately and the Heritage Council of NSW is to be informed in accordance with S.146 of the Heritage Act, 1977 (as amended).

Historic Archaeologists of the Heritage Council can be contacted on (02) 9873 8500

A 'relic' under the Heritage Act is defined as any deposit, object or material evidence-

- (a) which relates to the settlement of the area that comprises NSW, not being Aboriginal settlement; and
 - (b) which is 50 or more years old.
9. The holder of the Permit shall furnish the Department of Environment and Conservation with a report at the completion of the salvage work or expiry of the Permit or any renewal thereof, or as specified in the guidelines, whichever occurs first. Such report shall include:
 - a complete list of all material recovered;
 - a detailed description of the methods of excavation/collection and analysis used;

- a detailed plan of the site, including the location of collection areas, all trenches, pits, auger holes and spoil heaps;
- summary of consultation undertaken with relevant Local Aboriginal Land Councils or relevant Aboriginal Community Groups.

C. SPECIAL CONDITIONS APPLYING TO CONSENT AND PERMIT TO SALVAGE

1. The application for Section 90 Consent to Destroy and Section 87 Permit to Salvage must be accompanied by written concurrence from the relevant Aboriginal communities.
2. An application for Section 87 Permit to Salvage, as part of the Section 90 Consent, will be required to undertake the program of monitoring and artefact salvage collection.
3. Any Aboriginal objects collected or salvaged from the above Aboriginal sites, under Section 87 Permit to Salvage, associated with the development work may be retained by the relevant Aboriginal organisations under a 'Care and Control' Agreement. An application for a 'Care and Control' Agreement should be submitted with the Section 90 Consent application.
4. This Consent and Permit does not provide consent to disturb any human skeletal remains that occur below the existing ground surface. Should any significant Aboriginal objects or Aboriginal skeletal remains be unearthed during construction work, then work should cease and the Department of Environment and Conservation be notified as soon as possible.
5. The Department of Environment and Conservation, Environment Protection and Regulation Division, South Branch Archaeologist at Queanbeyan is to be advised of the date of salvage work at least seven days prior to commencement of salvage.
6. If development works commence prior to salvage, all areas in which salvage is to occur must be temporarily fenced so that these areas are excluded from construction impacts.
7. All salvaged objects are to be analysed and documented according to current Department of Environment and Conservation requirements.
8. Any modifications to the proposed works, the salvage research design, or to the conditions of this Consent, may only be made with the prior approval of the Director, Environment Protection and Regulation Division, South Branch.
9. All actions, and their results, conducted under the terms of the Consent and Permit must be documented in a report that is satisfactory to the Department of Environment and Conservation.
10. If any previously undetected Aboriginal object is uncovered or unearthed during development activity, work at that location must cease immediately and advice on appropriate action must be obtained from the Department of Environment and Conservation.

D. GENERAL TERMS AND CONDITIONS

1. Permits and Consents are not transferable.

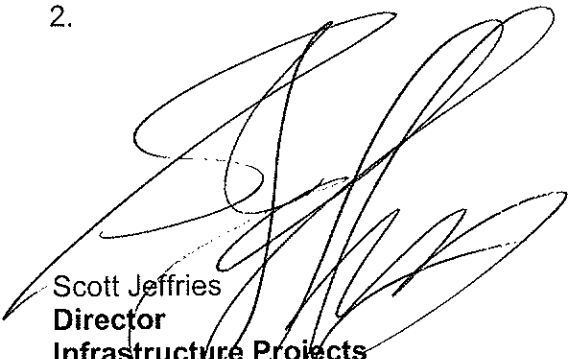
2. A Permit covers only that area stated in the Permit
3. A Consent covers only that area stated in the instrument of Consent and in any Schedules thereto.
4. Permits may be revoked at any time at the discretion of the Director-General.
5. Terms and conditions of Permits may be varied at any time at the discretion of the Director-General.
6. The Person to whom the Permit is issued or the Consent granted shall be responsible for the manner in which the work covered by the Permit or Consent is performed.
7. An officer of the Department of Environment and Conservation, acting on the authority of the Director-General, may at any time examine work done or any objects recovered under any Permit or Consent.
8. Permits and Consents are necessary for all activities for which they are issued or granted, but do not in themselves give authority to enter or work on freehold land or leased Crown Land. Permission must be sought from the owner or occupier and arrangements made with him/her.
9. The holder of the Permit or Consent shall furnish, when required to do so, an undertaking to indemnify the Department of Environment and Conservation against all actions, suits, claims and demands of whatsoever nature and all costs, charges and expenses in respect of any accident or injury to any person or property which may arise solely out of the existence of any works associated with the Permit or Consent.
10. All reports received in connection with work carried out under a Permit or Consent shall be treated as confidential but the Department of Environment and Conservation shall have the right to copy all such reports, to allow consideration thereof by qualified referees.
11. For a period of five years from the date of issue of the Permit or Consent, the holder of the Permit or Consent may refuse to allow the Department of Environment and Conservation and The Australian Museum, if such information is held by those institutions, to make public any information contained in any report referred to in Condition 10 above, except where it is deemed necessary for management, protection or research reasons. After this period of five years from the date of issue of the Permit or Consent, the Department and The Australian Museum shall have the right to use and authorise the use of information contained in all reports submitted under the Permit or Consent, except where specifically requested by the holder of the Permit or Consent.
12. Upon publication of any information relating to work done under a Permit or Consent, a copy of such publication(s) shall be forwarded to the Department of Environment and Conservation, The Australian Museum, Sydney, and the Australian Institute of Aboriginal and Torres Strait Islander Studies, Canberra, unless permission to do otherwise has been obtained from the Department.
13. The holder of the Permit or Consent shall consult with the local Aboriginal community regarding the work covered by the Permit or Consent and shall respond to any reasonable request to involve the Aboriginal community in the work.

14. The Department of Environment and Conservation and The Australian Museum may supply copies of relevant reports as furnished by the holder of the permit or Consent to local Aboriginal communities. Upon request by the Service, the holder of the Permit or Consent shall supply a summary of his/her findings with photographs, diagrams, etc., as required, to local Aboriginal communities or other interest local groups.
15. The holder of the Permit or Consent shall keep field records and a copy of all such records shall be lodged with the Department of Environment and Conservation at the termination of each field work period. A copy of all field records shall be lodged with The Australian Museum at the time the archaeological materials are deposited with the Museum.
16. The holder of the Permit or Consent shall notify the local Area office of the National Parks and Wildlife Service (of the Department of Environment and Conservation) at the commencement and completion of fieldwork, and shall supply to Area officers details of field work programs and results if requested.
17. In the event of a Permit being revoked -
 - a) The Person to whom that Permit was issued shall
 - (i) Furnish an undertaking to indemnify the Department of Environment and Conservation against all actions, suits, claims and demands of whatsoever nature, and all costs, charges and expenses in respect of any accident or injury to any person or property which may arise solely out of the existence of any works associated with the Permit;
 - (ii) leave the areas, the subject of that Permit, in a condition satisfactory to the Department of Environment and Conservation within two weeks from the date of revocation of that Permit;
 - (iii) furnish the Department of Environment and Conservation within six months from the date of revocation of the Permit, a full report on the work completed at the date of revocation. Such a report shall include a complete list of any material recovered;
 - (iv) deposit any Aboriginal objects removed during work associated with the Permit, together with a copy of all field records, at The Australian Museum or at another place designated by the Museum, after these objects have been fully examined, or within six months from the date of revocation of that Permit whichever occurs sooner.
 - (b) The Department of Environment and Conservation and The Australian Museum shall have the right to use and authorise the use of information collected under the Permit.

Modification Approval

Section 96(2) of the *Environmental Planning and Assessment Act 1979*

I, the Director of Infrastructure Projects, Major Project Assessments Division of the Department of Planning, in accordance with the Instrument of Delegation issued by the Minister for Planning, on 25 January 2010, pursuant to section 96(2) of the *Environmental Planning and Assessment Act 1979*, modify the development consent referred to in Schedule 1 in the manner set out in Schedule 2.



Scott Jeffries
Director
Infrastructure Projects
As delegate for the Minister for Planning

Sydney

12 May 2010

File No: 9036677

SCHEDULE 1

- Development consent:** granted by the Minister for Planning on 4 October 2005.
- For the following:** The construction and operation of a wind farm and associated infrastructure known as Woodlawn Wind Farm Project.
- Modification Application:** Modification of the development consent to:
- reduce the number of turbines from 25 to 20 and increase the hub height to 80 metres for all turbines;
 - change the location of some turbines within the original turbine envelope;
 - change the turbine type from Vestas V80, 2-megawatt turbines to Suzlon S88, 2.1-megawatt turbines;
 - increase turbine blade length from 40 metres to up to 44 metres;
 - select an off-white colour for the turbines rather than the light grey option;
 - reduce the wind farm capacity from 50 megawatts to 42 megawatts;
 - install generator transformers at the base of the each turbine;
 - upgrade the intra wind farm collection circuit from 22kV to 33kV;
 - construct a 12-kilometre 33kV overhead transmission line from the Woodlawn Wind Farm to the Capital Wind Farm substation, negating the need for a substation at the project site and an overhead 66 kV electricity transmission line connecting the output of the substation to an existing 66 kV transmission line;
 - install a third 33kV/330kV transformer at Capital Wind Farm substation;

- strengthen the Capital Wind Farm substation access road causeway to allow access for the new transformer;
 - relocate the site office and temporary storage area;
 - install two temporary (prior to construction) and two permanent 80 metre meteorological monitoring masts;
 - use an existing gravel borrow pit adjacent to Turbine 17, to source gravel for on-site access tracks;
 - increase the width of access tracks from 6 metres to 10 metres; and
 - remove wind turbine lighting requirements, unless otherwise agreed by the Director-General or required by CASA.
-

SCHEDULE 2

The development consent is modified by:

1. Replacing the description of land to which the development consent applies in Schedule 1 with the following:

Lot	Deposited Plan
92	754919
91	754919
14	754919
94	754919
7002	1029514
21	754919
89	754919
27	754919
2	114586
3	114586
55	754919
28	754919
29	754919
2	1020242
2	714090
48	754877
B	370961
18	535179
2	1140319
1	1140319

2. Replacing the definitions of "Applicant" and "Relevant Government Agencies" in Schedule 2 with the following:

Applicant	Woodlawn Wind Pty Ltd
Relevant Government Agencies	Department of Environment, Climate Change and Water; NSW Office of Water; Department of Industry and Investment; Land and Property Management Authority; and the Sydney Catchment Authority.

3. Adding the following definitions to Schedule 2:

SEE	<i>Statement of Environmental Effects – Woodlawn Wind Farm Modification</i> , prepared by Woodlawn Wind Pty Ltd and dated January 2010
Substation	Augmented substation at Capital Wind Farm, as described in section 7.7.2 of the SEE

4. Replacing existing condition 2(i) with the following:

- (i) Application to Modify a Development Consent, DA-250-10-2004 MOD1, accompanied by *Statement of Environmental Effects – Woodlawn Wind Farm Modification*, prepared by Woodlawn Wind Pty Ltd and dated January 2010; and
- (j) the conditions of this consent.

5. Inserting a new condition 3A immediately after existing condition 3 as follows:

3A Prior to the commencement of construction of the development, the Applicant shall consult with the Roads and Traffic Authority, and where required obtain a permit for the use of oversized or over-mass vehicles required for the development.

6. Replacing existing condition 17(b) with new condition 17(b) as follows:

(b) compare the operation impact predictions made in the SEE and documents identified under condition 2;

7. Deleting existing condition 18.

8. Replacing the last sentence of existing condition 19 with the following:

Any work undertaken outside the specified construction hours, other than those specified in (a) to (c) of this condition, shall not be undertaken without the prior consent of the Director-General.

9. Replacing existing condition 22(b) with new condition 22(b) as follows:

(b) at such other times or frequencies as may be approved by the Director-General.

10. Replacing the words “in consultation with Goulburn Mulwaree Council¹¹, the RTA and NSW Police” in existing condition 28 with the following:

in consultation with Goulburn Mulwaree Council¹¹, the RTA, the NSW Police and the Land and Property Management Authority.

11. Replacing existing condition 28(a) with new condition 28(a) as follows:

include the mitigation measures outlined in section 14.6 of the EIS and section 10.6 of the SEE;

12. Replacing existing condition 29(a) with new condition 29(a) as follows:

(a) plans showing terrestrial vegetation communities, important flora and fauna habitat areas, locations where threatened species, populations or ecological communities were recorded, and areas to be cleared. The plans shall also identify vegetation adjoining the development where this contains important habitat areas and/ or threatened species, populations or ecological communities, and shall quantify the area of vegetation to be removed as part of the development;

13. Inserting a new condition 29(d)(vi) immediately after existing condition 29(d)(v) as follows:

(vi) section 7 of Appendix E – Flora and Fauna of the SEE, and section 8.6 of the main body of the SEE.

14. Replacing existing condition 30(d) with new condition 30(d) as follows:

(d) where relevant, be consistent with the Department of Housing’s guideline *Managing Urban Stormwater – Soils and Construction*, the RTA’s *Guidelines for the Control of Erosion and Sedimentation in Roadworks*, the DIPNR’s *Constructed Wetlands Manual*, Landcom’s *Soils and Construction – Managing Urban Stormwater* (2004), *Practice Manual for Rural Sealed and Unsealed Roads* (ARRB Transport Research Ltd 2002), *Road Runoff & Drainage: Environmental Impacts and Management Options* (Austroads

15. Replacing existing condition 32 with new condition 32 as follows:

- 32 Prior to the commencement of construction of the development, the Applicant shall consult with the NSW Office of Water for the purpose of ensuring relevant licences and/or permits have been obtained for the crossing of watercourses and for the excavation of material that is in close proximity to waterbodies.

16. Inserting new condition 32A immediately after new condition 32 as follows:

- 32A A *Construction Noise Management Sub Plan* shall be prepared as part of the CEMP. The sub plan shall include:
- (a) the management of noise impacts during construction of the Transmission Line and to identify all feasible and reasonable noise mitigation measures where appropriate. The Plan shall include, but not necessarily be limited to:
 - i a review of the assumptions made in section 7.8.2 of the SEE to the determined calculated noise levels for the construction of the transmission line;
 - ii details of the measures to avoid and/or mitigate the actual noise levels; and
 - iii details of the consultation process for noise mitigation measures with any affected residences; and
 - (b) provide details of the scheduling and management of construction works outside the hours specified under condition 19, where relevant, including:
 - i identification of construction works and construction areas for which construction noise will be audible or inaudible at respective residential and sensitive receivers; and
 - ii for construction works identified as audible at residential and sensitive receivers, provisions for consultation with affected receivers with respect to any construction works outside the hours specified under condition 19, including provisions for the establishment of negotiated agreements with those receivers for out-of-hours works.

17. Replacing existing condition 45 with new condition 45 as follows:

- 45 The Applicant shall keep a legible record of all complaints received in an up-to-date Complaints Register. The Complaints Register must record, but not necessarily be limited to:
- (a) the date and time, where relevant, of the complaint;
 - (b) the means by which the complaint was made (telephone, mail or e-mail);
 - (c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
 - (d) the nature of the complaint;
 - (e) any action(s) taken by the Applicant in relation to the complaint, including any follow-up contact with the complainant; and
 - (f) if no action was taken by the Applicant in relation to the complaint, the reason(s) why no action was taken.

The Complaints Register shall be made available for inspection by the Director-General upon request. The record of a complaint must be kept for at least four years after the complaint was made.

18. Inserting new condition 49A immediately after existing condition 49 as follows:

The Applicant shall design, construction, operate and maintain the substation for the development (to also service the Capital Wind Farm) so that the operation of the substation does not exceed a noise contribution of 35 dB(A) (measured as an $L_{Aeq}(15\text{-minute})$) at any residential receiver.

19. Replacing existing condition 53 with new condition 53 as follows:

- 53 Prior to the commissioning of wind turbines as part of the development, the Applicant shall prepare and submit for the approval of the Director-General a *Noise Compliance Assessment Plan*. The *Noise Compliance Assessment Plan* shall outline how the Noise Compliance Assessment, as described in conditions 54 and 55, will be undertaken.

20. Replacing existing condition 54(b) with new condition 54(b) as follows:

- (b) a requirement that all noise compliance monitoring results are to be submitted to the Director-General within one month of completion of the monitoring. The Director-General may request that additional noise compliance monitoring be undertaken and completed within a timeframe defined by the Director-General.

21. Replacing existing condition 57 with new condition 57 as follows:

- 57 A *Cultural Heritage Management Sub Plan* shall be prepared as part of the CEMP. The sub plan shall incorporate the mitigation measures identified in Section 8.0 of the report entitled *Archaeological Sub-surface Testing of the Proposed Woodlawn Wind Farm, Tarago, New South Wales*, dated July 2005, and section 10.2 of Appendix F of the SEE. The sub plan shall also provide an outline of existing measures (including existing permits) that address the management of cultural heritage sites within the wind turbine layout area. Should additional management measures be determined to be required, the *Cultural Heritage Management Sub Plan* shall detail such measures.

22. Inserting a new heading and new condition 60A immediately after existing condition 60 as follows:

Construction of Access Tracks

- 60A The Applicant shall provide details on the volumes or quantities of material to be excavated from the existing borrow pit to be used to source gravel for the construction of access tracks. The Applicant shall identify the associated impacts resulting from the use of the gravel pit and the management measures for these impacts, including impacts on water quality. This information shall be included in the Construction Environmental Management Plan required under this consent.

23. Inserting a new heading and new condition 67A immediately after existing condition 67 as follows:

Blade Glint – Risk to Motorists

- 67A As part of the Construction Environmental Management Plan required under this consent, the Applicant shall include a review of the colour specifications of the turbines, to ensure turbine blades do not pose a safety risk to drivers that use the roads within the district of the project site. The review shall determine whether the colour specifications can minimise blade glint (such as use of non-reflective colour) and whether any additional measures may be required to manage occurrences of blade glint, such as public signage for road user awareness.

24. Inserting a new heading and new condition 71A immediately after existing condition 71 as follows:

Exploration Mining

- 71A Prior to the commencement of construction of the development, the Applicant shall consult with Industry & Investment NSW, the holder of Exploration Licence 7257 and other relevant holders of exploration and mining titles that may be affected by the project to identify and address any potential for impact on access to land for exploration

and mining activities and any sterilisation of mineral resources within the development area.

25. Replacing existing condition 73(c) with new condition 73(c) as follows:

- (c) waste handling and storage. There shall be no on-site wastewater management system associated with the operation of the project.
-



Planning

Contact: Tim Hogan
Phone: 02 9228 6236
Fax: 02 9228 6355
Email: timothy.hogan@planning.nsw.gov.au

Our ref: 9036677

Mr David Griffin
Director
Woodland Wind Pty Ltd
Level 22, 56 Pitt Street
SYDNEY NSW 2000

Dear Mr Griffin

Woodland Wind Farm - Modification to Development Consent DA-250-10-2004. Minor Modifications – Reinstatement of previously omitted land titles.

I refer to your letter dated 28 May 2010, on the above matter.

The Director, Infrastructure Projects, as delegate of the Minister for Planning, has approved the modifications requested in your letter. I have attached, for your information, a copy of the Instrument of Modification.

If you have any queries regarding the above, please contact Tim Hogan on (02) 9228 6236 or via email timothy.hogan@planning.nsw.gov.au

Yours sincerely

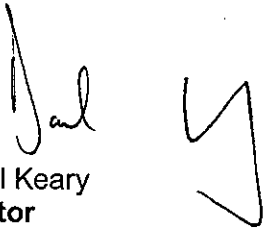
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Neville Osborne
**Manager – Water and Energy
Infrastructure Projects**

Modification Approval

Section 96(1A) of the *Environmental Planning and Assessment Act 1979*

I, the Director of Infrastructure Projects, Major Project Assessments Division of the Department of Planning, in accordance with the Instrument of Delegation issued by the Minister for Planning, on 25 January 2010, pursuant to section 96(1A) of the *Environmental Planning and Assessment Act 1979*, modify the development consent referred to in Schedule 1 in the manner set out in Schedule 2.


Daniel Keary
Director
Infrastructure Projects
As delegate for the Minister for Planning

Sydney 13 JULY 2010

File No: 9036677

SCHEDULE 1

Development consent: DA 250-10-2004 granted by the Minister for Planning on 4 October 2005.

For the following: The construction and operation of a wind farm and associated infrastructure known as Woodlawn Wind Farm Project.

Modification Application: Modification of the development consent to:

- Reinstate the previously omitted land titles required for the use of the northern construction access route and transmission lines, and
- Include the land titles listed below to Schedule 1 of the Development Approval Conditions of Consent.

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

Lot 22 DP 754919
Lot 7 DP 114586
Lot 12 DP 114586
Lot 7 DP 256225

SCHEDULE 2

The development consent is modified by:

1. Replacing the description of land to which the development consent applies in Schedule 1 with the following:

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25	754919
30	754919
69	754919
6	830765
8	534616
5	830765
22	754919
7	114586
12	114586
7	256225