

# Project Approval

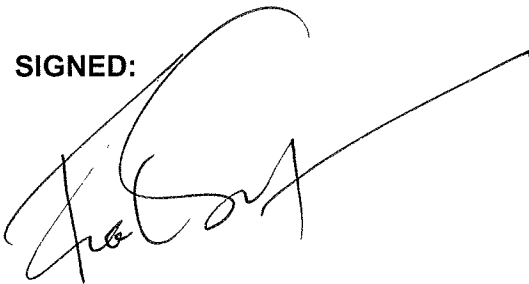
## Section 75J of the *Environmental Planning and Assessment Act 1979*

I, the Minister for Planning, pursuant to section 75J of the *Environmental Planning and Assessment Act 1979* ("the Act") determine the project referred to in Schedule 1 by granting approval subject to the conditions set out in Schedule 2.

These conditions are required to:

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

SIGNED:



Frank Sartor MP  
Minister for Planning

Sydney,

31 May

2007

File No. 9041055

### SCHEDULE 1

**Major Project No:** 05\_0170

**Proponent:** EPURON Pty Ltd

**Approval Authority:** Minister for Planning

**Land:** Lots 183 and 189 DP 753596; Lots 207, 208 and 298 DP 753596; Lots 53, 60, 79, 80, 81, 82, and 167 DP 753633; and Lots 94, 99 and 104 DP 753633 in the Yass Valley local government area

**Project:** The construction and operation of a 30 mega watt (MW) wind farm

**Major Project:** The proposal is classified as a Major Project under section 75B(1)(a) of the *Environmental Planning and Assessment Act 1979*, because it is a development of a kind described in clause 24 of Schedule 1 to *State Environmental Planning Policy (Major Projects) 2005*

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## SCHEDULE 2

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

<b>Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>Ancillary Facility</b>	Temporary construction facility, for example, an office and amenities compound, batch plant (concrete or bitumen), materials storage compound
<b>AEMR</b>	Annual Environmental Management Report
<b>BCA</b>	Building Code of Australia
<b>CEMP</b>	Construction Environmental Management Plan
<b>Commissioning</b>	Commencement of testing and connection of any individual wind turbine(s) and may include concurrent construction activities.
<b>Construction</b>	Includes all construction work in respect of the project <b>other than</b> survey, acquisitions, fencing, investigative drilling or excavation, building/road dilapidation surveys, minor clearing (except where threatened species, populations or ecological communities would be affected), establishing site compounds (in locations meeting the criteria of the conditions), or other activities determined by the Director-General to have minimal environmental impact (e.g. minor access roads, minor adjustments to services/utilities, etc)
<b>Council</b>	Yass Valley Council
<b>dB(A)</b>	decibel (A-weighted scale)
<b>DECC</b>	NSW Department of Environment and Climate Change
<b>Department</b>	NSW Department of Planning
<b>Director-General</b>	Director-General of the NSW Department of Planning, or delegate
<b>Dust</b>	Any solid material that may become suspended in air
<b>EA</b>	Environmental Assessment for the Conroy's Gap Wind Farm entitled <i>Environmental Assessment: Proposed Development of a Wind Farm at Conroys Gap, NSW, Volumes 1 and 2</i> , dated July 2006 and prepared by <b>ngh</b> environmental
<b>Minister</b>	NSW Minister for Planning, or delegate
<b>Operation</b>	any activity at the site that results in the generation, or intended generation of electricity for contribution to the electricity grid, but does not include Commissioning

<b>OEMP</b>	Operation Environmental Management Plan
<b>Parcel of land</b>	an allotment or a number of adjoining allotments belonging to the same landowner
<b>Principal Certifying Authority</b>	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
<b>Reasonable and Feasible</b>	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
<b>Regulation</b>	<i>Environmental Planning and Assessment Regulation 2000</i>
<b>Relevant receiver</b>	has the same meaning as in the SA Guidelines
<b>RFS</b>	NSW Rural Fire Service
<b>RTA</b>	NSW Roads and Traffic Authority
<b>Project</b>	The project to which this approval applies, the scope of which is described in the documents listed under condition 1.2 of this approval
<b>Proponent</b>	EPURON Pty Ltd
<b>Publicly available</b>	Available for public inspection by a member of the general public, for example, by publishing on an internet site or at a display centre
<b>SA Guidelines</b>	The South Australian Environmental Protection Authority's <i>Wind Farms: Environmental Noise Guidelines (2003)</i>
<b>Site</b>	The land to which this approval applies
<b>Submissions Report</b>	Submissions Report for the Conroy's Gap Wind Farm (dated 23 October 2006) prepared by the Proponent in accordance with Section 75H of the Act
<b>Utility</b>	Any infrastructure or service associated with water supply, sewerage, electricity supply, telecommunications or gas supply

## 1. GENERAL CONDITIONS

### Obligation to Minimise Harm to the Environment

- 1.1 The Proponent must implement all practicable measures to prevent or minimise any harm to the environment that may result from the construction, commissioning, operation and decommissioning of the project.

### Scope of the Project

- 1.2 The Proponent must carry out the project generally in accordance with:
- (a) *Environmental Assessment: Proposed Development of a Wind Farm at Conroys Gap, NSW, Volumes 1 and 2*, dated July 2006, prepared by **ngb** environmental;
  - (b) the Statement of Commitments outlined in Attachment 3 of Volume 2 of the EA;
  - (c) Submissions Report; and
  - (d) the conditions of this approval.
- 1.3 In the event of an inconsistency between:
- (a) the conditions of this approval and any document listed from conditions 1.2(a) to 1.2(c) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
  - (b) any documents listed above (other than the conditions of this approval), then the most recent document shall prevail to the extent of the inconsistency.
- 1.4 The project is restricted to the commercial generation of not more than 30MW of electricity at the site throughout the life of the project.

### Statutory Requirements

- 1.5 The Proponent must ensure that all necessary licences, permits and approvals are obtained and kept up-to-date as required throughout the life of the project. No condition of this approval removes the obligation for the Proponent to obtain, renew or comply with such licences, permits or approvals.

### Lapsing of Approval

- 1.6 This approval lapses three (3) years after the date of this approval unless the Proponent has demonstrated to the satisfaction of the Director-General that either orders have been placed for wind turbine generators, or that work on at least one of the matters described in parts 1(a) to 1(f), inclusive, below has been completed on the site before the date on which the approval would otherwise lapse under this condition:
- (a) internal track construction;
  - (b) civil works associated with the construction of the foundations for the wind turbine footings;
  - (c) control room construction;
  - (d) electrical substation construction;
  - (e) underground cabling; or
  - (f) overhead transmission line construction within the site.

## Decommissioning

- 1.7 The Proponent must notify the Director-General of its intention to decommission the project or individual turbine(s).
- 1.8 If any wind turbine generator 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 Proponent 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 generator and any associated infrastructure is to be dismantled and removed from the site within 18 months from the date that the wind turbine was last used to generate electricity.
- 1.9 Within one year of decommissioning either an individual turbine(s) or the entire project, the Proponent must ensure that the site is cleared of the above-ground infrastructure associated with the individual turbine(s) or entire project, as relevant, including but not limited to: all wind turbine generators (excluding turbine foundations); substation; control and facilities building; monitoring towers; electrical infrastructure; and site access tracks unless otherwise agreed by the Director-General, and the site rehabilitated in accordance with the **Decommissioning Management Plan** required under condition 1.11 of this approval.
- 1.10 Notwithstanding condition 1.9, where the substation, control room or overhead electricity lines have been transferred to or are in the control of the local electricity network operator (currently Country Energy) such infrastructure is not required to be removed under this approval.
- 1.11 The Proponent must remove all infrastructure where required under conditions 1.8 or 1.9 of this approval in accordance with a **Decommissioning Management Plan**. The Plan must be submitted for the approval of the Director-General no later than one month after notifying the Director-General that the project or a particular turbine(s) will be decommissioned. The Plan must include, but not necessarily be limited to:
  - (a) a schedule for the orderly removal of the infrastructure;
  - (b) procedures to be implemented for the safe removal of the infrastructure;
  - (c) procedures for the notification of the surrounding landowners and any relevant Government agencies of the requirement to remove the infrastructure, including the timing of removal;
  - (d) procedures to notify the surrounding landowners during the activities associated with the removal of the infrastructure from the site;
  - (e) rehabilitation details including but not limited to site locations for plantings, species to be used in planting and a schedule for maintenance.
- 1.12 Prior to the commencement of Construction, the Proponent 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 approval.

## 2. COMPLIANCE

### General

- 2.1 The Proponent must be responsible for the works the subject of this approval and the environmental impacts that may result from those works, and must put in place an environmental management system governing the conduct of all persons on the site, including contractors, subcontractors and visitors.
- 2.2 The Director-General may require an update report on compliance with all, or any part, of the conditions of this approval. Any such update must meet the requirements of the Director-General and be submitted within such period as the Director-General may require.
- 2.3 The Proponent must meet the requirements of the Director-General in respect of the implementation of any measures necessary to ensure compliance with the conditions of this approval, and general consistency with the documents listed under condition 1.2 of this approval. 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 this approval, within such time as the Director-General may require.

### Staging Report

- 2.4 The Proponent may elect to construct the project in discrete work packages or defined stages provided that such stages or work packages are consistent with these conditions of approval. Where discrete work packages or defined stages are proposed, the Proponent must submit a **Staging Report** to the Director-General at least four weeks before Construction commences (or within any other time agreed to by the Director-General). The Report must:
  - (a) describe the work packages or defined stages; and
  - (b) identify how the conditions will be addressed in each work package or defined stage.

### Pre-Construction Compliance Report

- 2.5 The Proponent 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 Report must include details of:
  - (a) how the conditions of approval required to be addressed prior to construction have been complied with;
  - (b) when each relevant condition of this approval 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 government agencies prior to the commencement of construction.

### Construction Compliance Report

- 2.6 The Proponent 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 (as required under condition 7.1 of this approval) must certify the adequacy of the report before it is submitted to the Director-General. The Report must be made publicly available and include:
  - (a) information on compliance with the Construction Environmental Management Plan (CEMP) required under condition 7.2;

- (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 approval or as requested by the Director-General.

### **Pre-Operation Compliance Report**

- 2.7 The Proponent 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 Report must include details of:
- (a) how the conditions of approval required to be addressed prior to commencement of Operation have been complied with;
  - (b) when each relevant condition of this approval 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 government agencies prior to the commencement of Operation.

## **3. ENVIRONMENTAL PERFORMANCE**

### **Visual Amenity**

#### ***Off-Site Landscaping Requirements***

- 3.1 Prior to the commencement of Operation, the Proponent must consult with Council on the need to provide landscaping measures along public road reserves to minimise as far as is reasonable and feasible, the visual impact of the project on neighbouring residential dwellings and shadow flicker impacting on public roads and to report to the Director-General on the outcome of the consultation. The Proponent must then implement landscaping measures along public road reserves that are to the satisfaction of the Director-General with all landscaping permitted under this condition being completed within twelve (12) months from the commencement of Operation, or as otherwise agreed with the Director-General.
- 3.2 Prior to the commencement of Operation, the Proponent must notify in writing, all owners of residential dwellings with views of a turbine(s) located within four kilometres of their dwellings that they are eligible to have landscaping treatment on their property in order to minimise the visual impact of the project on their property. Any such owner may request the Proponent, no later than six months after commencement of Operation, to investigate such ways of minimising the visual impact of the project on their property. The Proponent must:
- (a) within 14 days of receiving the request, commission a suitably qualified person whose appointment has been approved by the Director-General, to investigate reasonable and feasible measures to minimise the visual impacts of the project on the landowner's property using landscaping measures; and
  - (b) give the landowner a copy of the visual impact mitigation report within 14 days of receiving this report.

If both parties agree on the measures that should be implemented to minimise the visual impact of the project, then the Proponent must implement those measures, to the satisfaction of the Director-General.

If both parties disagree on such measures, then either party may refer the matter to the Director-General for resolution, in which case, the Proponent must implement such landscaping measures determined by the Director-General with all landscaping being completed within six (6) months from the Director-General's determination.

### ***Turbine External Design***

- 3.3 Wind turbine generators must be painted matt off-white/grey. The blades are to be finished with a surface treatment that minimises any potential for glare or reflection.
- 3.4 No advertising, signs or logos are to be mounted on the turbines, except where required for safety purposes. A corporate logo may be placed on the turbines providing it is not distinguishable by the naked eye at any location external to the site or from any publicly accessible location.

### ***Lighting***

- 3.5 No external lighting at night of any infrastructure associated with the project including wind turbine generators is permitted other than low intensity security lighting, unless otherwise agreed or directed by the Director-General or Civil Aviation Safety Authority.

### ***Shadow-flicker***

- 3.6 The Proponent must put in place an automated system capable of switching off individual wind turbine generators under conditions conducive to generating shadow flicker at surrounding residences or roads.
- 3.7 Wind turbine generators must be switched off under conditions conducive to generating shadow flicker at surrounding residences.
- 3.8 The Proponent must monitor the effects of shadow flicker on traffic travelling southbound on Black Range Road and undertake remedial measures in consultation with the RTA and Council to ameliorate any safety impacts arising from shadow flicker, to the satisfaction of the Director-General.

## **Noise**

### ***Construction***

- 3.9 Construction activities associated with the project, including the arrival and departure of vehicles delivering or removing materials from the site, must only be carried out between the hours of:
- (a) 7:00 am and 6:00 pm, Monday to Friday;
  - (b) 8:00 am and 1:00 pm on Saturdays; and
  - (c) at no time on a Sunday or Public Holiday.
- 3.10 The following activities may be carried on outside of the hours specified in condition 3.9:
- (a) the delivery of materials required outside these hours by the Police or other authorities for safety reasons;
  - (b) where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental harm; and
  - (c) where the work is identified in the Noise Management Plan and approved as part of the CEMP.

Local residents must be informed of the timing and duration of work approved under item (c) at least 48 hours before that work commences.

- 3.11 All Construction works at the site must be undertaken in accordance with the *Environmental Noise Control Manual* and must not give rise to an 'offensive noise' as defined under the *Protection of the Environment Operations Act 1997* and accompanying Regulations.
- 3.12 During Construction and Operation, the Proponent must minimise noise emissions from plant and equipment operated on the site by installing and maintaining, wherever practicable, efficient silencers, low-noise mufflers (residential standard) and replacement of reversing alarms on vehicles with alternative silent measures, such as flashing lights.

### ***Blasting and Vibration***

- 3.13 The overpressure level from blasting operations associated with the project must not:
- (a) exceed 115dB (Lin Peak) for more than five per cent of the total number of blasts over the period of construction; and
  - (b) exceed 120dB (Lin Peak) at any time.

The above values apply when the measurements are performed with equipment of a lower cut-off frequency of 2Hz or less. If the instrumentation has a higher cut-off frequency, then a correction of 5dB should be added to the measured value. Equipment with a lower cut-off frequency exceeding 10 Hz should not be used for the purpose of measuring overpressure.

- 3.14 Ground vibration (peak vector sum) from the blasting operations associated with the project must not:
- (a) exceed 5mm/s for more than five percent of the total number of blasts during construction; and
  - (b) exceed 10 mm/s at any time,
- when measured at any point within 1 metre of any affected residential boundary or any other noise sensitive location such as a school or hospital.
- 3.15 Blasting operations associated with the project may only take place:
- (a) between 9:00 am and 5:00 pm Monday to Friday;
  - (b) between 9:00 am to 12:00 pm Saturday; and
  - (c) at such other times or frequency as may be approved by the Director-General.

### ***Operation***

- 3.16 Subject to condition 3.17, the Proponent must design, operate and maintain the project to ensure that the equivalent noise level ( $L_{Aeq(10\text{ minute})}$ ) from the project at each of the residential receiver locations identified in Section 3.2 of the Noise Impact Assessment prepared by Heggies Australia, dated 26 July 2006 (Attachment 7 of the EA) does not exceed:
- (a) 35 dB(A); or
  - (b) the existing background noise level ( $LA_{90, (10\text{ minute})}$ ) correlated to the integer wind speed at 10 metres height at the site by more than 5 dB(A),

whichever is the greater, for each integer wind speed (measured at 10m height) from cut-in to rated power of the wind turbine generator.

For the purpose of this condition, the background noise levels are to be based on the levels derived in accordance with condition 3.19.

**Note:** The noise limits in this condition do not apply to project-involved receivers, as specified in condition 3.25.

- 3.17 Where the noise modelling undertaken by the Proponent in accordance with condition 3.20 predicts that the equivalent noise level from the project at the receiver locations specified in condition 3.16 would be below the limit specified in condition 3.16(b), the equivalent noise level must not exceed:
- (a) the predicted equivalent noise level at the relevant receiver location; or
  - (b) 35 dB(A),

whichever is the greater.

**Note:** The background noise levels correlated to integer wind speeds shall be derived using the regression analysis methods in the SA Guidelines.

- 3.18 At all other relevant receiver locations, noise from the project, at any given integer wind speed, must not exceed a level of  $L_{Aeq,(10\text{ minute})}$  35dB(A).
- 3.19 The Proponent must prepare a **Background Noise Measurement Plan** which must be submitted to the Director-General at least one month prior to commissioning of the wind turbine generators. The Plan must outline the procedure to collect additional background noise level data and coincident wind speed measured at 10 metres height at the site.

The existing and additional measurements should together provide representative coverage of seasonal (spring, autumn, summer and winter) noise variations and representative coverage of residences not associated with the project.

All background noise data measured as a result of the Background Noise Measurement Plan must be supplied to the Director-General on request.

**Note:** For the background noise data to be a robust statistical sample, sufficient noise data is required. The Proponent should aim to capture in the order of 2000 data points for each season at each monitoring location. However, it is acknowledged that the extent of typical noise logging equipment is approximately two weeks which may limit the available data to less than 2000 points. Deployment of loggers for a single two week period per season is considered adequate to provide sufficient noise data for this analysis.

- 3.20 The Proponent must prepare a revised Noise Assessment for the final turbine model and turbine layout selected which must be submitted to the Director-General prior to commissioning of the wind turbine generators. The revised Noise Assessment must demonstrate consistency with the EA and the ability of the proposed turbine model and layout to meet the requirements of conditions 3.16 and 3.18, and include:
- (a) the noise predictions of the final turbine model and layout selected at each of the receiver locations identified in condition 3.16; and
  - (b) the revised noise criteria developed in accordance with condition 3.16.

The noise criteria for the project are to be developed using background noise data required under condition 3.19.

- 3.21 The Proponent must prepare a **Noise Compliance Assessment Plan** which must be submitted to the Director-General prior to commissioning of the wind turbine generators. The Plan must outline how the **Noise Compliance Assessment**, as described in condition 3.22 will be achieved.

- 3.22 The **Noise Compliance Assessment** must include, but not be limited to:
- (a) an assessment of the performance of the project against the noise limits contained in conditions 3.16 and 3.18 and where relevant, condition 3.17;

- (b) a commitment that noise compliance monitoring must be undertaken within three calendar months of the commissioning of the wind turbine generators. If prevailing meteorological conditions do not allow the required monitoring to be undertaken in this period, the Director-General must be notified and an extension of time may be sought; and
- (c) a requirement that all noise compliance monitoring results are to be submitted to the Department within one month of completion of the monitoring. The Director-General may request that additional noise compliance monitoring be undertaken and completed within a specified timeframe.

The Noise Compliance Assessment must be undertaken generally 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. Other predictive compliance assessment techniques, where these techniques can be justified, may be considered. Whilst not directly applicable to wind farms, the NSW Industrial Noise Policy (INP) may provide additional guidance on predictive compliance assessment techniques.

- 3.23 In the event that the Noise Compliance Assessment indicates that noise from the wind turbine generators exceeds the noise limits contained in condition 3.16 and/ or conditions 3.17 and 3.18 as relevant, the Proponent must investigate and propose the mitigation and management measures that are available to achieve compliance with the noise limits.

Details of the remedial measures and a timetable for implementation must be submitted to the Director-General for approval within such period as the Director-General may require.

Remedial measures should include, in the first instance, all reasonable and feasible measures to reduce noise from the project. Once all reasonable and feasible source controls are exhausted, remedial measures may include offering building acoustic treatments and/ or noise screening to affected residents, but may only be used to address noise limit exceedances at the absolute discretion of the relevant landowner/resident. The Proponent must also demonstrate that the relevant landowner/resident has been made fully aware of the noise levels and other implications of making any agreement.

**Note:** If the project exceeds the noise limits set under this approval, the Proponent must immediately reduce noise levels through a sector management approach. Further or alternative noise mitigation can then be investigated and incorporated as a project remedial measure.

- 3.24 Noise from the project is to be measured at the most affected point within the residential property boundary, or at the most affected point within 20 metres of the existing dwelling, where the dwelling is more than 20 metres from the boundary, to determine compliance with the noise level limits in conditions 3.16, 3.17 and 3.18.

- 3.25 The noise limits specified in conditions 3.16, 3.17 and 3.18 do not apply to on-site residences G04, G04a, G04b, G08, G09, G10, or to any other residence where noise agreements are in place between the Proponent and the respective owners of those residences. For this condition to take effect, the noise agreements must satisfy the requirements of Section 2.3 of the SA Guidelines.

**Note:** The residential receivers G04, G04a, G04b, G08, G09 and G10 are located as identified in Figure 2 and Table 2 of Attachment 7 of the EA.

- 3.26 For the purposes of conditions 3.16, 3.17 and 3.18, a positive adjustment of 5 dB(A) must be applied to the measured noise levels where audible tones are present. The presence of audible tones must be determined using the methodology in the document *“Wind Turbine Generator Systems – Part 11: Acoustic noise measurement techniques”* (IEC 61400-11:2002) or its latest edition.

- 3.27 Where reasonable and feasible, noise mitigation measures are to be provided by the Proponent for no more than one new dwelling, built on any vacant parcel of land legally existing at the date of this approval located within five kilometres of the site (but that is not part of an associated landholding at that date), upon which a residential dwelling would be permissible at the same date. Noise mitigation is to be provided if the noise level from the project at the approved location of the new residential dwelling would, without mitigation, exceed the noise limits recommended in the SA Guidelines. The mitigation measures are to achieve a noise mitigation level of  $L_{Aeq}$  30 dB(A) inside the habitable rooms of such a dwelling.

This condition only applies to new dwellings for which a development application has been lodged with the consent authority within five (5) years from the date of commencement of Operation.

**Note:** The intention is that this condition does not apply to any potential future subdivision(s) that may be approved after the date of this consent. The Proponent should liaise with the Council regularly to check the status of development applications that may be lodged involving new residential dwellings in the locality of the project site.

### Traffic and Transport

- 3.28 All heavy vehicles associated with the project arriving or departing from the site must use the Hume Highway, Paynes Road and that portion of Black Range Road that bisects the "Ferndale" property to minimise truck movements along Black Range Road.
- 3.29 Prior to the commencement of construction, the Proponent must install regulatory signage at the junction of Hume Highway and Paynes Road and at Black Range Road advising of heavy vehicle movements, in accordance with the requirements of the relevant roads authority.
- 3.30 Safe intersection sight distances (in accordance with the RTA's *Road Design Guide*) must be maintained at the junction of the Hume Highway and Paynes Road in all directions for the duration of the construction (and decommissioning) periods.
- 3.31 Prior to the commencement of construction, undertake and complete the following works along Paynes Road, to the satisfaction of Council:
- (a) upgrade with a seven (7) metre wide seal and pavement design for  $5 \times 10^5$  Equivalent Standard Axles (ESA) for the first 1.3 kilometres from the junction of Paynes Road with the Hume Highway to the existing quarry, in accordance with Council's Roads Standards Policy RD-Pol-09, or its latest version;
  - (b) upgrade all drainage structures and crossings to suit  $5 \times 10^5$  ESA for the first 1.3 kilometres and  $2 \times 10^5$  ESA for the remaining length; and
  - (c) upgrade to a design speed for 60 kilometres/ hour.
- 3.32 Prior to the commencement of construction, the Proponent must, where necessary, upgrade Paynes Road beyond the quarry to a standard suitable for temporary use by heavy vehicles and to allow opposing traffic to pass safely during the construction period.
- 3.33 During construction (and decommissioning), the Proponent must provide a gravel crossing pad seven (7) metres wide over that portion of Black Range Road used by heavy vehicles associated with the project, to the satisfaction of Council.
- 3.34 All work within the road reserve of Paynes Road and Black Range Road is to be designed and constructed in accordance with Council's version of AUS-SPEC Design and

Construction or alternative specifications that meet the minimum requirements of AUS-SPEC. Detailed drawings of the required works must be approved by Council prior to the commencement of those road works.

- 3.35 During construction (and decommissioning), Paynes Road, and that portion of Black Range Road used by heavy vehicles associated with the project, must be maintained in a safe and satisfactory condition at all times by the provision of regular maintenance and grading.
- 3.36 Following the conclusion of construction (and where relevant, decommissioning), any damage to Paynes Road and that portion of Black Range Road used by heavy vehicles associated with the project resulting from the construction (or decommissioning) traffic, except that resulting from normal wear and tear, must be repaired at the Proponent's cost and to the satisfaction of Council. Alternatively, the Proponent may negotiate an alternative arrangement for road damage with the Council.
- 3.37 The Proponent is to prepare and submit for the approval of the RTA a Traffic Control Plan(s) and Oversize Vehicle Permit application(s) for all operations involving over-sized and/ or over-weight vehicles using public roads to transport materials to or from the site.
- 3.38 Where construction materials such as road-base are sourced from within the Yass local government area, the Proponent must consult with Council to determine a suitable access route to the site and where necessary, the extent of improvement works and ongoing maintenance.
- 3.39 The swept path of the largest vehicles entering and exiting the site and manoeuvrability through the site is to be in accordance with *AS 2890.2-2002 Part 2: Off-street commercial vehicle facilities* and to the satisfaction of Council.

### Flora and Fauna

- 3.40 The Proponent must design, construct, operate and maintain the project in a manner that avoids damage to or loss of the Yass daisy, *Ammobium craspedioides* and Burrinjuck spider orchid, *Caladenia* sp. Burrinjuck or their habitat.

Where the Yass daisy or Burrinjuck spider orchid is found to occur either on, or adjacent to any infrastructure associated with the project (including access roads, wind turbine generators and buildings), the area must be fenced throughout the construction period and that component of the project (including construction components) must be relocated at least 50 metres from the daisy or orchid population but no more than 250 metres from the original location of that component.

A report detailing the location of the daisy and/ or orchid and the location of any proposed relocation of infrastructure associated with the project is to be submitted to the Director-General. Construction of this infrastructure must not commence until the Director-General has approved the position of any relocated infrastructure.

**Note:** Where any component of the project is proposed to be relocated greater than 250 metres from its original position on the grant of approval, modification of the approval or further approval under the Act will be required.

- 3.41 Prior to the commencement of construction, clearly defined works areas (including access tracks) must be established using a combination of posts, fencing or markers, and suitably marked up maps as appropriate. All on-site construction movements are to be restricted to these areas, to prevent uncontrolled or inadvertent access by vehicles or construction personnel to vegetation and fauna habitat to be protected under this approval.

- 3.42 The Proponent must make a financial contribution of \$1500.00 to the NSW Wildlife Information and Rescue Service (WIRES) for each death of a wedge-tailed eagle that has reasonably been attributed to the carrying out of the project. The financial contribution must be paid by the Proponent within one month of the Proponent becoming aware of the death. The contribution must be adjusted to take account of any increase in the Consumer Price Index over time, commencing at the March 2007 quarter.

Details of all payments made to WIRES must be reported to the Director-General on an annual basis and included as part of the AEMR required under condition 8.3.

- 3.43 Drainage lines must be kept clear of any felled vegetation with any stored vegetation being located at least twenty (20) metres from fence lines.

## **Hazards and Risk**

### ***Bunding and Spill Management***

- 3.44 The Proponent must store and handle all dangerous goods (as defined by the Australian Dangerous Goods Code) and combustible liquids, strictly in accordance with:
- (a) all relevant Australian Standards;
  - (b) a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and
  - (c) the DECC's Environment Protection Manual Technical Bulletin *Bunding and Spill Management*.

In the event of an inconsistency between the requirements listed from (a) to (c) above, the most stringent requirement shall prevail to the extent of the inconsistency.

### ***Aviation***

- 3.45 Details of the construction timetable for the project must be submitted to the Civil Aviation Safety Authority (CASA) prior to the commencement of construction. The Proponent must advise CASA of any change to the construction timetable that may occur from time to time.
- 3.46 Prior to the commencement of Operation, the following information is to be provided to CASA:
- (a) "as constructed" coordinates in latitude and longitude of each wind turbine generator;
  - (b) final height of each wind turbine generator in Australian Height Datum; and
  - (c) ground level at the base of each wind turbine generator in Australian Height Datum.
- 3.47 In the event that aerial weed control and/or fertiliser application is restricted on the site due to the location of the wind turbine generators, the Proponent must fully fund the cost difference between aerial weed spraying/fertiliser application and a reasonable alternative, unless otherwise agreed by the Director-General.

### ***Bushfire Risk***

- 3.48 Throughout the life of the project, the Proponent must consult regularly with the local Rural Fire Service (RFS) to ensure that the local RFS is familiar with the project, including the construction timetable and the final location of all infrastructure on the site. The Proponent must comply with any reasonable request of the local RFS to reduce the risk of bushfire and to enable fast access in emergencies.

- 3.49 The Proponent must:
- (a) ensure that there is appropriate fire-fighting equipment held on site to respond to any fires that may occur at the site during construction and operation of the project; and
  - (b) assist the Rural Fire Service and emergency services as much as possible if there is a fire on the site at any time throughout the life of the project.
- 3.50 As part of the Construction and Operation EMPs in conditions 7.2 and 7.4 , the Proponent must prepare, in consultation with the local RFS, a **Bushfire Risk Management Plan** based on the guidelines *Planning for Bushfire Protection* (RFS, 2001 or its latest edition). The Plan must include:
- (a) details of the bushfire hazards and risks associated with the project;
  - (b) details of the fire-fighting equipment held on-site including the type and its location;
  - (c) procedures and programs for liaison and regular drills with the local RFS;
  - (d) procedures for regular fire prevention inspections by the local RFS and implementation of any recommendations;
  - (e) procedures to be followed in the event of an actual bushfire risk to the site and/ or surrounding properties; and
  - (f) mitigation measures including contingency plans.

### **Safety Management System**

- 3.51 At least two months prior to the commencement of Commissioning, the Proponent must prepare a report outlining a comprehensive Safety Management System, covering all on-site systems related to ensuring the safe operation of the project. The report must clearly specify all safety related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to the procedures. Records must be kept at the site and must be available for inspection by the Department upon request. 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 project; and
  - (b) an outline of a documented procedure for the management of change.

### **Heritage**

- 3.52 The Proponent must design, construct, operate and maintain the project in a manner which minimises the potential for impacts on any identified Aboriginal or non-Indigenous site or relic.
- 3.53 If during the course of construction any evidence of any unexpected Aboriginal archaeological site or relic is found, all work likely to affect the site or relic must cease immediately until the DECC is informed in accordance with the *National Parks and Wildlife Act 1974* and their directions complied with.
- 3.54 If during the course of construction any evidence of any unexpected non-Indigenous heritage item or archaeological relic is found, all work likely to affect the item or relic must cease and the Heritage Office contacted immediately to determine an appropriate course of action prior to the re-commencement of work in the vicinity of the item or relic.

### **Soil Quality**

- 3.55 Any fill material brought to site must be Virgin Excavated Natural Material (VENM), as defined under the publication *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Waste*.

## **Ground Stability**

- 3.56 The Proponent must conduct detailed geotechnical investigations such as core samples in the area of the proposed turbines to determine ground stability and soundness of the strata. Details of the geotechnical investigations, including an assessment of ground stability to allow safe construction of the project and demonstration that the wind turbine generators will have no adverse effect on groundwater/aquifers, must be included as part of the CEMP.
- 3.57 Prior to the commencement of any building work on site, a certificate signed by a registered professional engineer must be submitted to the Principal Certifying Authority to certify that foundation material is sound and capable of permanently supporting all structures on the site.

## **Air Quality**

- 3.58 The Proponent must undertake the project in a manner that minimises or prevents the emission of dust from the site, including wind-blown and traffic-generated dust, including ensuring that all vehicles entering or leaving the site and carrying a load that may generate dust emissions are covered at all times, except during loading and unloading.
- 3.59 During Construction, the Proponent must ensure that a water cart, or equivalent, is available at all times for the suppression of dust, as may be necessary.

## **Waste Generation and Management**

- 3.60 All wastes generated on site during Construction and Operation of the project must be classified in accordance with the *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes* and disposed of to a facility that may lawfully accept the waste.

## **Electromagnetic Interference**

### ***Television and Radio Interference***

- 3.61 Prior to the erection of any wind turbine generator(s) on the site, the Proponent must undertake an assessment of the existing quality of the television/radio transmission available at a representative sample of residential dwellings located within five kilometres of a wind turbine.
- 3.62 The Proponent must undertake any reasonable and feasible mitigation measures to rectify any television/radio transmission problems reasonably attributable to the project at any residential dwelling located within 5 kilometres of a wind turbine that exists immediately prior to the commencement of commissioning of the project. Such measures may include:
- (a) modification to or replacement of receiving antenna;
  - (b) installation and maintenance of a parasitic antenna system;
  - (c) provision of a land line between the affected receiver and an antenna located in an area of favourable reception; or
  - (d) other feasible measures.

In the event of interference not being able to be overcome by measures outlined in (a) to (d), the Proponent must negotiate with the impacted landowner about installing and maintaining a satellite receiving antenna.

Any requested works must be completed within three months of the completion of the relevant television and/or radio reception assessment, unless otherwise agreed by the landowner. The Proponent must be responsible for all costs associated with undertaking any mitigation measures.

### **Radio Communication**

- 3.63 In the event that any issue with radio communication service links (installed before construction of the project) arise as a result of the project (such as obstruction of transmission paths), the Proponent must consult with the operator and undertake appropriate remedial measures to rectify any issue. Such measures may include:
- (a) modification to or relocation of the existing antennae;
  - (b) installation of a directional antennae; and/ or
  - (c) installation of an amplifier to boost the signal strength.

## **4. ENVIRONMENTAL MONITORING AND AUDITING**

### **Bird and Bat Monitoring**

- 4.1 Prior to the commencement of Construction, the Proponent must prepare and submit for the approval of the Director-General a **Bird and Bat Adaptive Management Program**, which takes account of bird/ bat monitoring methods identified in the current editions of *AusWEA Best Practice Guidelines for the Implementation of Wind Energy Projects in Australia* and *Wind Farm and Birds: Interim Standards for Risk Assessment*. The Program must be implemented by a suitably qualified expert, approved by the Director-General.

The Program must incorporate Monitoring, and a Decision Matrix that clearly sets out how the Proponent will respond to the outcomes of monitoring. It must:

- (a) incorporate an ongoing role for the suitably qualified expert;
- (b) set out monitoring requirements in order to assess the impact of the project on bird and bat populations, including details on survey locations, parameters to be measured, frequency of surveys and analyses and reporting. The monitoring program must be capable of detecting any changes to the population of birds and/ or bats that can reasonably be attributed to the operation of the project, that is, data may be required to be collected prior to the commencement of construction. The requirements must also 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 water bodies;
- (c) incorporate a decision making framework that sets out specific actions and when they may be required to be implemented to reduce any impacts on birds and bats that have been identified as a result of the monitoring;
- (d) identify 'at risk' bird and bat groups and include monthly mortality assessments and periodic local population censuses and bird utilisation surveys;
- (e) identify potential mitigation measures and implementation strategies in order to reduce impacts on birds and bats such as minimising the availability of raptor perches, swift carcass removal, pest control including rabbits, use of deterrents, and sector management including switching off turbines that are predicted to or have had an unacceptable impact on bird/ bat mortality at certain times; and
- (f) identify matters to be addressed in periodic reports in relation to the outcomes of monitoring, the application of the decision making framework, the need for mitigation measures, progress with implementation of such measures, and their success.

The Reports referred to under part (f) must be submitted to the Director-General on an annual basis, from the commencement of operation, and must be prepared within

2 months of the end of the reporting period. The Director-General may vary the reporting requirement or period by notice in writing to the Proponent.

The Proponent is required to implement reasonable and feasible mitigation measures as identified under part (e) where the need for further action is identified through the Bird and Bat Adaptive Management Program, or as otherwise agreed with the Director-General.

### **Independent Environmental Auditing**

- 4.2 Within two years of the commencement of Operation of the project, and then as may be directed by the Director-General, the Proponent must commission an independent person or team to undertake an **Environmental Audit** of the project. The independent person or team must be approved by the Director-General prior to the commencement of the Audit. The Audit must:
- (a) be carried out in accordance with *ISO 19011:2002 - Guidelines for Quality and or Environmental Management Systems Auditing*;
  - (b) assess compliance with the requirements of this approval, and other licences and approvals that apply to the project;
  - (c) assess the environmental performance of the project against the predictions made and conclusions drawn in the documents referred to under condition 1.2 of this approval;
  - (d) review the effectiveness of the environmental management of the project, including any environmental impact mitigation works; and
  - (e) review the adequacy of the Proponent's response to any complaints made about the project through the Complaints Register required under condition 6.4.
- 4.3 An **Environmental Audit Report** must be submitted for comment to the Director-General within two months of the completion of the Audit, detailing the findings and recommendations of the Audit and including a detailed response from the Proponent to any of the recommendations contained in the Report.

The Director-General may, having considered the Report, require the Proponent to undertake works to address the findings or recommendations presented in the Report. Any such works must be completed within such time as the Director-General may require.

## **5. UTILITIES AND PUBLIC WORKS**

- 5.1 The Proponent must identify (including, but not limited to the position and level of service) all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas that are associated with, and/or adjacent to the site, and/or are likely to be affected by any activity associated with the project.
- 5.2 The Proponent must consult with the relevant provider of the utilities identified in condition 5.1 and make arrangements to adjust and/or relocate their services as required. The cost of any such adjustment and/or relocation of services must be borne by the Proponent.
- 5.3 Any damage caused to public infrastructure as a result of the project must be repaired to the satisfaction of Council, or relevant utility provider and within such period as specified by the Council, or relevant utility provider.
- 5.4 The sites for Ancillary Facilities must satisfy the following criteria unless otherwise approved through the CEMP:
- (a) be located within the site;
  - (b) have ready access to the road network;

- (c) be located to minimise the need for heavy vehicles to travel through residential areas;
- (d) be sited on relatively level land;
- (e) be separated from nearest residences by at least 200 m (or at least 250 m for a temporary batch plant);
- (f) be located above the 20 ARI flood level unless a contingency plan to manage flooding is prepared and implemented;
- (g) not require vegetation clearing beyond that already required for the project; and
- (h) not affect the land use of adjacent properties.

The location of the Ancillary Facilities must be identified in the CEMP and must include an analysis against the above criteria. Where these criteria cannot be met, the CEMP must demonstrate there will be no adverse impacts from the Ancillary Facility's construction or operation.

- 5.5 Prior to the commencement of any works located on or within Trigonometrical Reserve No. 28206, the Proponent is required to obtain the consent of the Surveyor General and a licence under the *Crown Lands Act 1989*.

**Note:** Works other than low impact acts will require a non-claimant application for determination of Native title as it is unlikely that native title has been extinguished.

## 6. COMMUNITY INFORMATION AND CONSULTATION

- 6.1 Subject to confidentiality, the Proponent must make all documents required under this approval publicly available on request.
- 6.2 The Proponent must establish an internet website before Construction commences and maintain the internet website 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 approval 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, postal and e-mail addresses.

### Complaints Management System

- 6.3 Prior to the commencement of construction, the Proponent must ensure that the following are available for community complaints:
- (a) a 24-hour telephone number on which complaints about the project may be registered;
  - (b) a postal address to which written complaints may be sent; and
  - (c) an email address to which electronic complaints may be transmitted.

The telephone number, the postal address and the e-mail address must be advertised in a newspaper circulating in the locality on at least one occasion prior to the commencement of construction and at six-monthly intervals thereafter. These details must also be

provided on the Proponent's internet website. The telephone number, the postal address and the email address must be maintained throughout the life of the project.

- 6.4 The Proponent must record details of all complaints received through the means listed under condition 6.3 of this approval in an up-to-date Complaints Register. The 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 (eg. telephone, mail or email);
  - (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 Proponent in relation to the complaint, including any follow-up contact with the complainant; and
  - (f) if no action was taken by the Proponent in relation to the complaint, the reason(s) why no action was taken.

The Complaints Register must be made available for inspection by the Director-General upon request.

### **Community Information Plan**

- 6.5 Prior to the commencement of Construction, the Proponent must prepare and implement a **Community Information Plan** which sets out the community communications and consultation processes to be undertaken during Construction and Operation of the project. The Plan must include but not be limited to:
- (a) procedures to inform the local community of planned investigations and Construction activities, including blasting works;
  - (b) procedures to inform the relevant community of Construction traffic routes and any potential disruptions to traffic flows and amenity impacts;
  - (c) procedures to consult with local landowners with regard to Construction traffic to ensure the safety of livestock and to limit disruption to livestock movements;
  - (d) procedures to inform the community where work has been approved to be undertaken outside the normal Construction hours, in particular noisy activities;
  - (e) procedures to inform and consult with those landowners who are eligible for landscaping on their property as determined under condition 3.2 of this approval; and
  - (f) procedures to notify relevant landowners of the process available to review potential impacts on radio and television transmission.

### **Community Enhancement Program and Contributions**

- 6.6 Prior to the commencement of Construction, the Proponent must prepare and submit for the approval of the Director-General, a **Community Enhancement Program** to fund (or provide in kind) community infrastructure and services in the locality of the project.

The Proponent must establish a fund for the purposes of implementing the Community Enhancement Program and contribute to it, \$25,000 each year commencing upon commissioning of the project until the end of its life. The contribution must be adjusted to take account of any increase in the Consumer Price Index over time, commencing at the March, 2007 quarter.

In preparing the Program, the Proponent shall consult with the Council and local community representatives.

- 6.7 Prior to the commencement any works the subject of this approval, payment of a contribution towards bushfire fighting facilities and the ongoing administration of Council's

section 94 Contributions Plan and upgrading and improvements of roads totalling \$10,190.00, must be made to Council, in accordance with Council's section 94 Contributions Plan.

This amount will remain fixed for a period of 12 months from the date of this approval and thereafter in accordance with the rates applicable in the current version/edition of the relevant section 94 Contributions Plan current at the time of the payment.

## 7. ENVIRONMENTAL MANAGEMENT

### Environmental Representative

7.1 Prior to the commencement of Construction of the project, the Proponent must nominate a suitably qualified and experienced **Environmental Representative(s)** whose appointment is to receive prior approval of the Director-General. The Proponent must employ or engage the Environmental Representative(s) throughout the life of the project. The Environmental Representative must be:

- (a) the primary contact point in relation to the environmental performance of the project;
- (b) responsible for all Management Plans and Monitoring Programs required under this approval;
- (c) responsible for considering and advising on matters specified in the conditions of this approval, and all other licences and approvals related to the environmental performance and impacts of the project;
- (d) responsible for receiving and responding to complaints in accordance with condition 6.4 of this approval; 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 recommend to the Director-General that relevant actions be ceased immediately should an adverse impact on the environment be likely to occur.

The Proponent must notify and seek the approval of the Director-General of any changes to that appointment that may occur from time to time.

### Construction Environmental Management Plan (CEMP)

7.2 The Proponent must prepare and implement a **Construction Environmental Management Plan** in accordance with the Department's publication entitled *Guideline for the Preparation of Environmental Management Plans* (2004) or its latest revision. The Plan must include, but not necessarily be limited to:

- (a) a description of all activities to be undertaken on the site during Construction, including an indication of the duration of each activity, any coordination of the activities, and stages of construction, where relevant;
- (b) statutory and other obligations that the Proponent is required to fulfil during construction of the project, including all approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
- (c) specific consideration of measures to address any requirements of the Department, Council and DECC during construction;
- (d) details of how the environmental performance of the Construction works will be monitored, and what actions will be taken to address identified adverse environmental impacts;
- (e) a description of the roles and responsibilities for all relevant employees involved in the construction of the project;

- (f) details of a program to inform the public of the timing of Construction of the project, including any requirements for temporary restrictions/ diversions to areas etc as identified in condition 6.5;
- (g) complaints handling procedures during construction and site preparation; and
- (h) the Management Plans listed under Condition No 7.3 of this approval.

The CEMP must be submitted for the approval of the Director-General no later than one month prior to the commencement of any site preparation and Construction works associated with the project, or within such period as otherwise agreed by the Director-General. Notwithstanding, where construction work is to be undertaken in stages, the Proponent may, subject to the agreement of the Director-General, stage the submission of the CEMP consistent with the staging of activities relating to that work.

Site preparation and Construction works associated with the project must not commence until written approval has been received from the Director-General. Upon receipt of the Director-General's approval, the Proponent must make the plan Publicly Available as soon as practicable.

7.3 As part of the CEMP required under condition 7.2 of this approval, the Proponent must include, but is not limited to, the following Management Plans:

- (a) an **Erosion and Sedimentation Control Management Plan** to detail measures to minimise erosion and the discharge of sediment and other pollutants to land and/or water during Construction works associated with the project. The Plan must include, but not necessarily be limited to:
  - (i) demonstration of best practice methods to be applied for the on-site control of run-off, sediments and other pollutants including specification of performance criteria for erosion, sediment and pollution control devices (such as diversionary works, discharge points etc);
  - (ii) demonstration that erosion and sediment control measures will conform with, or exceed, the relevant requirements of Landcom's publication *Managing Urban Stormwater: Soils and Construction* (2004);
  - (iii) demonstration that access tracks will be constructed and maintained in accordance with the Government's publication *Guidelines for the planning, construction and maintenance of tracks* (1994);
  - (iv) description of procedures to ensure that the measures implemented to control sediment and erosion on site are maintained in working order at all times; and
  - (v) details of an erosion monitoring program during Construction of the project, including measures to address erosion, should it occur, and to rehabilitate/ stabilise disturbed areas of the site.
- (b) a **Noise Management Plan** to detail measures to minimise noise emissions associated with the Construction of the project. The Plan must include, but not necessarily be limited to:
  - (i) identification of all major sources of noise that may be emitted as a result of the Construction of the project;
  - (ii) specification of the noise criteria as it applies to a particular activity;
  - (iii) identification and implementation of best practice management techniques for minimisation of noise and vibration emissions;
  - (iv) procedures for the monitoring of noise emissions; and
  - (v) description of the procedures to be undertaken if any non-compliance is detected.
- (c) a **Traffic Management Plan** to outline measures for the management and coordination of road works required under this approval and to minimise potential conflicts between different user groups. The Plan must be prepared in consultation with the RTA and Council and must include, but not necessarily be limited to:

- (i) details of measures to minimise interactions between the project and other users of the roads such as the use of fencing, lights, barriers, traffic diversions etc;
  - (ii) procedures for informing the public where any road access will be restricted as a result of the project;
  - (iii) procedures to inform vehicle drivers of the traffic routes to be used by heavy vehicles associated with the project;
  - (iv) procedures for scheduling, where possible, heavy vehicle movements outside of periods where heavy fog is likely at the intersection of the Hume Highway and Paynes Road;
  - (v) procedures to manage construction traffic to ensure the safety of livestock and to minimise disruption to livestock, and school children and limit disruption to school bus timetables;
  - (vi) speed limits to be observed along routes to and from the site and within the site;
  - (vii) minimum requirements for vehicle maintenance to address noise and exhaust emissions, particularly along roads in close proximity to residences;
  - (viii) precautionary measures such as signage to warn users of the Hume-Hovell track about the construction activities for the project; and
  - (ix) details of the expected behavioural requirements for vehicle drivers travelling to and from the site and within the site.
- (d) a **Waste Management Plan** to outline measures to manage and minimise resource consumption during Construction of the project. The Plan must include, but not necessarily be limited to:
- (i) identification of the types and quantities of waste that would be generated;
  - (ii) description of measures and actions to be taken to minimise waste generated by the Construction of the project; and
  - (iii) description of how waste would be handled and stored during Construction, and reused, recycled, and if necessary, appropriately treated and disposed of in accordance with the guidelines *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes*.
- (e) a **Dust Management Plan** to outline measures to manage and minimise emissions of dust on the site and Construction traffic routes. The plan must include but not necessarily be limited to:
- (i) identification of potential sources of dust;
  - (ii) dust management objectives consistent with DECC guidelines;
  - (iii) a monitoring program to assess compliance with the identified objectives. Monitoring for dust deposition and particulate concentration must be undertaken according to the guideline "*Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales*";
  - (iv) mitigation measures to be implemented, particularly during weather conditions where high level dust episodes are probable (such as strong winds in dry weather); and
  - (v) a progressive rehabilitation strategy for exposed surfaces with the aim of minimising exposed surfaces.
- (f) a **Flora and Fauna Management Plan** to outline measures to protect and minimise loss of native vegetation and native fauna habitat as a result of construction of the project. The Plan must include, but not necessarily be limited to:
- (i) plans showing terrestrial vegetation communities; important flora and fauna habitat areas; locations where threatened species, populations or ecological communities have been recorded or are likely to occur; and areas to be cleared. The plans must also identify vegetation adjoining the site where this contains important habitat areas and/or threatened species, populations or ecological communities;

- (ii) methods to manage impacts on flora and fauna species (terrestrial and aquatic) and their habitat which may be directly or indirectly affected by the project, such as location of fencing, procedures for clearing of vegetation or soil and procedures for re-locating hollows or installing nesting boxes. Particular consideration should be given to measures to protect the Yass Daisy and Burrinjuck Spider orchid;
- (iii) rehabilitation details, such as use of locally native species in rehabilitation and landscaping works and methods to re-use topsoil and cleared vegetation;
- (iv) the impact avoidance and mitigation measures outlined in section 7.2 of the EA;
- (v) a Weed Management Strategy; and
- (vi) a program for reporting on the effectiveness of terrestrial flora and fauna management measures. Management methods must be reviewed where found to be ineffective.

### **Operation Environmental Management Plan (OEMP)**

7.4 The Proponent must prepare and implement an **Operation Environmental Management Plan** in accordance with the Department's publication entitled *Guideline for the Preparation of Environmental Management Plans* (2004) or its latest revision. The Plan must include but not necessarily be limited to:

- (a) identification of all statutory and other obligations that the Proponent is required to fulfil in relation to the operation of the project, including all consents, licences, approvals and consultations;
- (b) a management organisational chart identifying the roles and responsibilities for all relevant employees involved in the operation of the project;
- (c) overall environmental policies and principles to be applied to the operation of the project;
- (d) standards and performance measures to be applied to the project, and means by which environmental performance can be periodically reviewed and improved, where appropriate;
- (e) management policies to ensure that environmental performance goals are met and to comply with the conditions of this approval;
- (f) the Management Plans listed under Condition No 7.5 of this approval; and
- (g) the environmental monitoring requirements outlined under this approval.

The Plan must be submitted for the approval of the Director-General no later than one month prior to the commencement of Operation of the project or within such period as otherwise agreed by the Director-General. Operation must not commence until written approval has been received from the Director-General. Upon receipt of the Director-General's approval, the Proponent must make the Plan Publicly Available as soon as practicable.

7.5 As part of the OEMP required under condition 7.4, the Proponent must include, but is not limited to the following Management Plans:

- (a) a **Noise Management Plan** to outline measures to minimise noise emissions from the operation of the project. The Plan must include, but not necessarily be limited to:
  - (i) details of procedures to ensure ongoing compliance with the operational noise limits specified in conditions 3.16, 3.17, 3.18 and 3.20 as they apply to identified receptors. This should include identification of monitoring requirements;
  - (ii) identification and implementation of best practice management techniques for minimisation of noise emissions where reasonable and feasible;

- (iii) measures to be undertaken to rectify annoying characteristics resulting from the operation of the project such as, but not limited to, infrasound or adverse mechanical noise from component failure; and
  - (iv) procedures and corrective actions to be undertaken if non-compliance is detected.
- (b) a **Water Management Plan** to outline measures to control and manage surface water and stormwater associated with the operation of the project. The Plan must address the requirements of the Council, should there be any. The Plan must include, but not necessarily be limited to:
- surface water, erosion and sedimentation management**
- (i) measures to be implemented to minimise the potential for erosion from the site during the operation of the project and measures to maintain all erosion mitigating works; and
  - (ii) measures to rehabilitate erosion-affected areas and areas subjected to excavation (including tree and shrub species) and implementation.
- stormwater management**
- (i) description of stormwater control infrastructure at the site, including details of its maintenance.
- (c) a **Landscape Management Plan** to outline measures to ensure appropriate development and maintenance of landscaping on the site to address the visual impacts arising from the project including, turbines, site access roads, substation and control and facilities building, as far as is reasonable and feasible. The Plan must be prepared by a qualified landscape architect and meet the requirements of Council, should there be any. The Plan must include, but not necessarily be limited to:
- (i) details of landscaping to be undertaken at the site including locations for planting;
  - (ii) maximisation of use of flora species that are native to the locality and with low maintenance requirements;
  - (iii) a program for the removal of weeds introduced or spread as a result of the project at the site; and
  - (iv) a program for maintenance of all landscaped areas on the site to ensure these areas are kept in a tidy, healthy state.

7.6 Within three years of the commencement of Operation, and at least every three years thereafter, the Proponent must undertake a formal review of the OEMP. The review must ensure that the OEMP is up-to-date and all changes to procedures and practices since the previous review have been fully incorporated into the OEMP. The Proponent must notify the Director-General of the completion of each review, and must supply a copy of the updated OEMP on request.

## 8. ENVIRONMENTAL REPORTING

### Incident Reporting

8.1 The Proponent must notify the Director-General and any relevant Government authority of any incident with actual or potential significant off-site impacts on people or the biophysical environment as soon as practicable after the occurrence of the incident ("initial notification"). The Proponent must provide written details ("written report") of the incident to the Director-General and any relevant Government authority within seven days of the date on which the incident occurred.

- 8.2 The Proponent must meet the requirements of the Director-General to address the cause or impact of any incident, as it relates to this approval, reported in accordance with condition 8.1 of this approval, within such period as the Director-General may require.

### **Annual Reporting**

- 8.3 The Proponent must prepare and submit to the Director-General, an **Annual Environmental Management Report** (AEMR) throughout the operational life of the project, or as otherwise required by the Director-General. The AEMR must review the performance of the project against the Operation Environmental Management Plan, the conditions of this approval and other licences and approvals relating to the project. The AEMR must include, but not necessarily be limited to:
- (a) details of compliance with the conditions of this approval;
  - (b) a copy of the Complaints Register (referred to in condition 6.4) for the preceding twelve-month period (exclusive of personal details), and details of how these complaints were addressed and resolved;
  - (c) a comparison of the environmental impacts and performance of the project against the environmental impacts and performance predicted in those documents listed under condition 1.2 of this approval;
  - (d) results of all environmental monitoring required under this approval, including interpretations and discussion by a suitably qualified person;
  - (e) a list of all occasions in the preceding twelve-month period when environmental performance goals for the project have not been achieved, indicating the reason for failure to meet the goals and the action taken to prevent recurrence of that type of incident;
  - (f) identification of trends in monitoring data over the life of the project to date;
  - (g) a list of variations obtained to approvals applicable to the project and to the site during the preceding twelve-month period; and;
  - (h) environmental management targets and strategies for the following twelve-month period, taking into account identified trends in monitoring results.
- 8.4 The Proponent must submit a copy of the AEMR to the Director-General with:
- (a) the first AEMR to be submitted not more than fourteen months from commencement of operation of the project;
  - (b) the second and subsequent AEMRs to be submitted every twelve months thereafter; and
  - (c) the AEMR being made publicly available upon request.
- 8.5 The Director-General may require the Proponent to address certain matters in relation to the environmental performance of the project, in response to review of the AEMR and any comments received from other agencies. Any action required to be undertaken must be completed within such period as the Director-General may agree.
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