Modification of Minister's Approval

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

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

Karen Jones
Director
Infrastructure Projects

Sydney 11 April 2014

SCHEDULE 1

Project Approval:	08_0022 granted by the Minister for Planning on 24 May 2009
For the following:	Silverton Wind Farm
Modification:	(08_0022 MOD 1): To extend the approval lapse date by two years.

SCHEDULE 2

Replace Glossary table with the following:

Act, the	*Environmental Planning and Assessment Act, 1979*
Ancillary Facilities	Temporary facility for Construction that does not form part of the Project. Examples are an office and amenities compound, batch plant (concrete or bitumen), materials storage compound.
CCC	Community Consultative Committee
Conditions of Approval	The Minister's conditions of approval for the project.
Council	Broken Hill Shire Council and Wentworth Shire Council
Country Energy's assets	The water and electricity assets of Country Energy including but not limited to its: water management works, in particular Umberumberka Reservoir, Blue Anchor tank, Communications hut and the Umberumberka to Broken Hill main and associated infrastructure; and any water source including any ground water source within the Country Energy's area of operations.
DEC	Department of Environment and Climate Change
DoD	Commonwealth Department of Defence
Department, the	Department of Planning
Director-General, the	Director-General of the Department of Planning (or delegate).
Director-General's Approval	A written approval from the Director-General (or delegate). Where the Director-General's Approval is required under a condition the Director-General will endeavour to provide a response within one month of receiving an approval request. The Director-General may ask for additional information if the approval request is considered incomplete. When further information is requested the time taken for the Proponent to respond in writing will be added to the one month period.
Director-General's Report	The report provided to the Minister by the Director-General of the Department under section 75I of the EP&A Act.
DWE	Department of Water and Energy
Dust	Any solid material that may become suspended in air or deposited
EA	*Environmental Assessment for the Proposed Silverton Wind Farm*, prepared by nghenvironmental and dated August 2008.
EPA	Environment Protection Authority as part of the Department of Environment and Climate Change
EPL	Environment Protection Licence issued under the *Protection of the Environment Operations Act, 1997*
Minister, the	Minister for Planning
Moderate to high visual impact	A view distance of up to 6km and a moderate to long term period of view, as defined in section 8.1, Appendix 1 of the EA.
NOW	NSW Office of Water (formerly DWE)
Proponent	Silverton Wind Farm Developments Pty Ltd
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 nature and extent of potential improvements.
Site	Land to which Stage 1 of the project applies.
Stage 1	Construction and operation of 282 WTG and associated infrastructure, including a 24 kilometre power line from the Site to Broken Hill in New South Wales.
Stage 2	Construction and operation of the remaining 316 WTG and associated infrastructure, including a 300 kilometre power line from the wind farm site to Red Cliffs in Victoria.
Sub-stage	A discrete part of Stage 1, as identified in the CEMP
Submission report	*Preferred Project and Submissions Report, Silverton Wind Farm*

	Developments, prepared by Silverton Wind Farm Developments with the assistance of nghenvironmental, dated January 2009.
WTG	Wind Turbine Generator

CONDITIONS

THE APPROVAL IS MODIFIED BY:

Terms of Approval
Delete condition 1.1 and 1.2 and replace with the following:

1.1 The Proponent shall carry out the project generally in accordance with the:
   a) Major Projects Application 08_0022;
   b) Environmental Assessment for the Proposed Silverton Wind Farm, prepared by nghenvironmental and dated August 2008;
   c) Preferred Project and Submissions Report, Silverton Wind Farm Developments, prepared by Silverton Wind Farm Developments with the assistance of nghenvironmental, dated January 2009;
   d) Proposed Silverton Wind Farm, Revised Statement of Commitments, prepared by Epuron Pty Ltd and dated 17 March 2009;
   e) Silverton Wind Farm Modification Report, prepared by nghenviromental, dated September 2013;
   f) Silverton Wind Farm Submissions Report, prepared by nghenvironmental, dated December 2013; and
   g) the conditions of this approval.

1.2 In the event of an inconsistency between:
   a) the conditions of this approval and any document listed from condition 1.1a) and 1.1f) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
   b) any document listed from condition 1.1a) and 1.1f) inclusive, and any other document listed from condition 1.1a) and 1.1f) inclusive, the most recent document shall prevail to the extent of the inconsistency.

Limits of Approval
Delete condition 1.5 and replace with the following:

1.5 This approval shall lapse seven years after the date on which it is granted unless the Proponent has confirmed to the satisfaction of the Director-General that orders have been placed for wind turbines, or demonstrated that work subject of this approval has been completed on the site before that time.

Decommissioning
Delete conditions 1.11, 1.12, 1.13, 1.14 and replace with the following:

1.11 Unless otherwise agreed by the Director-General, within 18 months of the cessation of operation of the Project, the site shall be decommissioned and returned by the Proponent, as far as practicable, to its condition prior to the commencement, in consultation with Trade & Investment – Crown Lands and leaseholders and to the satisfaction of the Director-General (and in accordance with the Decommissioning and Rehabilitation Plan required by condition 1.12).

All generating facilities and associated infrastructure (including but not necessarily limited to the substations and transformers, switchyard, operation and maintenance facility, overhead transmission lines and access roads) shall be removed from the site unless otherwise agreed by the Director-General. Project related infrastructure (including access roads) may only be retained on site, where the Proponent has demonstrated to the satisfaction of the Director-General prior to the commencement of decommissioning, that these components: are permissible under the site's statutory land use provisions in force upon commencement of the decommissioning; would not pose an ongoing impediment to permissible landuse at the properties; and their retention has been agreed to in writing (with evidence provided to the Director-General) by Trade & Investment – Crown Lands and after consultation with leaseholders.

However, nothing in this condition requires the Proponent to remove concrete footings below the surface of the surrounding land, provided the proponent covers the concrete foundations with suitable natural soil or rock material.

This condition does not apply to any infrastructure which, as at the relevant date, is owned by a network operator under the *Electricity Supply Act 1995* (NSW) (or any equivalent provisions which are in force as at the relevant date).

1.12 Prior to the commencement of construction, the Proponent shall prepare a Decommissioning and Rehabilitation Plan, and update the plan every five years from the date of preparation, until decommissioning and rehabilitation is completed. This shall be done in consultation with Trade &

Investment – Crown Lands and leaseholders. A copy of the Plan and updated versions are to be provided to the Director-General and Trade & Investment – Crown Lands and made publicly available. The updated Plan shall be consistent with the requirements of the draft NSW Planning Guidelines – Wind Farms (December 2011), as updated. The updated Plan shall include estimated costs of and funding arrangements for decommissioning, including provision for a decommissioning bond or other funding mechanisms, where the Plan concludes that estimated costs and funding arrangements are inadequate.

1.13 Any individual turbine that ceases operating for a period of more than 12 consecutive months shall be dismantled within 18 months after the 12 month period, unless otherwise agreed by the Director-General. The Proponent shall keep independently-verified annual records of the use of wind turbines for electricity generation. Copies of these records shall be provided to the Director-General upon request. The relevant wind turbine and any associated infrastructure is to be dismantled and removed from the site by the Proponent within 30 months from the date that the wind turbine was last used to generate electricity.

1.14 Prior to the commencement of construction, the Proponent shall provide written evidence to the satisfaction of the Director-General and Trade & Investment – Crown Lands that the lease agreements with the site landowners have adequate provisions to require that decommissioning occurs in accordance with this approval.

Decommissioning

Add the following after condition 1.15:

1.16 Unless otherwise agreed by the Director-General, the Proponent shall commission an independent, qualified person or team to undertake the following in consultation with the relevant road authority:

a) prior to the commencement of decommissioning, review the proposed route and existing access provisions to the Wind Farm Site to determine whether the route and existing provisions allow for safe access of decommissioning vehicles associated with the Project (including appropriate site distances and provisions for over-mass or over-dimensional transport and safety with other road users). Where improvements or changes to the proposed route are required, the Proponent shall implement these in consultation with the relevant road authority, prior to the commencement of decommissioning and at the full expense of the Proponent;

b) assess all roads proposed to be used for over-mass and/ or over-dimensional transport (including intersections, bridges, culverts and other road features) prior to the commencement of decommissioning to determine whether the existing road condition can accommodate the proposed over-mass and/ or over-dimensional haulage. Where improvements are required, the Proponent shall implement these in consultation with the relevant road authority, prior to the commencement of decommissioning and at the full expense of the Proponent.

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

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

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

1.17 Prior to the commencement of decommissioning, or as otherwise agreed by the Director-General, the Proponent shall prepare and implement (following approval) a Decommissioning Environmental Management Plan for the Project in consultation with Trade & Investment – Crown Lands and leaseholders. The Plan shall outline the environmental management practices and procedures that are to be followed during decommissioning, and shall be prepared in consultation with the relevant agencies and in accordance with the *Guideline for the Preparation of Environmental Management Plans* (Department of Infrastructure, Planning and Natural Resources, 2004). The Plan shall include, but not necessarily be limited to:

a) a description of activities to be undertaken during decommissioning of the Project (including staging and scheduling);

b) statutory and other obligations the Proponent is required to fulfil during decommissioning, including approval/approvals, consultations and agreements required from authorities and other stakeholders under key legislation and policies;

c) a description of the roles and responsibilities for relevant employees involved in the decommissioning of the Project, including relevant training and induction provisions for ensuring that employees, including contractors and sub-contractors are aware of their environmental and compliance obligations under these conditions of Approval;

d) an environmental risk analysis to identify the key environmental performance issues associated with the decommissioning phase; and
e) details of how environmental performance will be managed and monitored to meet acceptable outcomes, including what actions will be taken to address identified potential adverse environmental impacts (including any impacts arising from the staging of the decommissioning of the Project). In particular, the following environmental performance issues shall be addressed in the Plan:
    i. compounds and ancillary facilities management;
    ii. noise and vibration;
    iii. traffic and access;
    iv. soil and water quality and spoil management;
    v. air quality and dust management;
    vi. hazardous material and waste management; and
    vii. hazard and risk management, including bushfire risk.

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

Visual Amenity Impacts
Insert after condition 2.2:

2.2A Prior to the construction of turbines, the Proponent shall submit a plan of the final turbine number and layout for the approval of the Director-General. The plan must be developed in consultation with Trade & Investment – Crown Lands, leaseholders and the CCC. The plan must include photomontages and demonstrate to the satisfaction of the Director-General how the visual impacts have been reduced, including by maximising the distance from dwellings, tourist development and other sensitive receivers.

Verification of Operations Noise Performance
Delete condition 2.23 and replace with the following:

2.23 For the purposes of conditions 2.20 and 2.21 of this Approval, the presence of excessive tonality (a special noise characteristic) is to be determined using a method consistent with that described in Annexure D of *ISO 1996.2: 2007 Acoustics — Description, measurement and assessment of environmental noise - Determination of environmental noise levels.* Specifically, excessive tonality is present when the level of a one-third octave band measured in the equivalent noise level $L_{eq,(10\ minute)}$ exceeds the level of the adjacent bands on both sides by:

- 5 dB or more if the centre frequency of the band containing the tone is in the range 500 Hz to 10,000 Hz;
- 8 dB or more if the centre frequency of the band containing the tone is in the range 160 Hz to 400 Hz; and / or
- 15 dB or more if the centre frequency of the band containing the tone is in the range 25 Hz to 125 Hz;

If excessive tonality is found to be a repeated characteristic of the wind turbine noise, 5dB(A) should be added to the predicted or measured noise level from the wind farm. If tonality is only identified for certain wind directions and speeds, the penalty is only applicable under these conditions.

The tonal characteristic penalty applies only if excessive tonality from the wind turbine is measured at the relevant receiver. Absence of excessive tonality in noise emissions measured at an intermediate location is sufficient proof that the tone at the receiver is not associated with the wind farm's operation.

The assessment for tonality should only be made for frequencies of concern from 25Hz to 10KHz and for sound pressure levels above the threshold of hearing (as defined in *ISO 389.7: 2005 Acoustics – Reference zero for the calibration of audiometric equipment – Part 7: Reference threshold of hearing under free-field and diffuse-field listening conditions*).

The maximum penalty to be added to the measured noise level from the wind farm for any special noise characteristic individually or cumulatively is 5 dB(A).

Note - For the purposes of this condition, excessive tonality is defined as a repeated characteristic if it occurs for more than 10% of an assessment period. This equates to being identified for more than 54 minutes during the 9 hour night from 10pm – 7am, or for more than 90 minutes during the 15 hour day from 7am – 10pm. This definition refers to valid wind farm noise only.

2.23A For the purposes of conditions 2.20 and 2.21 of the Approval, the presence of excessive low frequency noise, ie. noise from the wind farm that is repeatedly greater than 65 dB(C) during the day time or 60 dB(C) during the night time at any relevant receiver, will incur a 5 dB(A) penalty, to be added to the measured noise level for the wind farm, unless a detailed internal low frequency noise assessment demonstrates compliance to the *Proposed criteria for the assessment of low frequency noise disturbance* (UK Department for Environment, Food and Rural Affairs (DEFRA, 2005)) for a steady state noise source.

Note – For the purposes of this condition, low frequency noise is defined as a repeated characteristic if it occurs for more than 10% of an assessment period. This definition refers to verified wind farm noise only.

Insert after condition 2.24:

2.24A Any leaseholder or resident whose residence is within 3 kilometres of a turbine may ask the Director-General in writing for an independent review of the noise impacts of the Project on his/her land. If the Director-General is satisfied that an independent review is warranted, then the Director-General may require the Proponent to commission a suitably qualified independent expert, whose appointment has been agreed to by the Director-General, to consult with the landowner/resident to determine his/her concerns, and conduct monitoring to determine whether the Project complies with the criteria identified in condition 2.20. The results of the monitoring shall be reported to the Director-General and the landowner/resident within one month of the completion of monitoring, and where the monitoring indicates that noise from the wind turbines exceeds the noise limits specified under conditions 2.20, as relevant, the provisions of conditions 2.26 – 2.28 apply.

Radio communications:
Replace condition 2.77 with the following:

Radio Communication

2.77 Prior to the commencement of construction, the Proponent shall:

a) consult with the NSW Government Telecommunications Authority and other registered communications licensees (including emergency services) to ensure that risks to these services are minimised as far as feasible and reasonable. This may include the installation of additional radio sites or services to ensure coverage of radio communications are not degraded;
b) in the event that any disruptions to radio communication service links (installed before construction of the Project) arise as a result of the Project, the Proponent shall undertake appropriate remedial measures in consultation with the NSW Government Telecommunications Authority and relevant licensee to rectify any issue, including arranging the deployment of temporary measures in order to maintain effective coverage whilst more permanent measures are effected, within three months of the problem being identified, and at the expense of the Proponent;
c) consider remedial measures, including:
   (i) modification to or relocation of the existing antennae;
   (ii) installation and maintenance of additional radio sites or services;
   (iii) installation of a directional antennae; and / or
   (iv) installation of an amplifier to boost the signal strength.

Community Information, Consultation and Involvement / Compliance Monitoring and Tracking / Environmental Reporting
Insert the following after condition 3.3:

3A COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

Community Consultative Committee

3A.1 The Proponent shall continue operation of the Community Consultative Committee for the life of the Project, unless otherwise agreed by the Director-General. The Proponent shall ensure the Committee is in operation during construction, and operation, in a manner generally consistent with the requirements of Appendix C: Guidelines for wind farm consultative committees, as contained in the draft NSW Planning Guidelines – Wind Farms (December 2011), as updated, unless otherwise directed by the Director-General.

Complaints and Enquiries Procedure

3A.2 Prior to the commencement of construction, or as otherwise agreed by the Director-General, the Proponent shall ensure that the following are available for community enquiries and complaints for the life of the Project (including construction and operation) or as otherwise agreed by the Director-General:

a) a 24 hour telephone number(s) on which complaints and enquiries about the Project may be registered;
b) a postal address to which written complaints and enquires may be sent;
c) an email address to which electronic complaints and enquiries may be transmitted; and
d) a complaints management and mediation system for complaints unable to be resolved.

The telephone number, the postal and email addresses shall be published in newspaper(s) circulating in the local area prior to the commencement of construction and prior to the commencement of operation. This information shall also be provided on the website (or dedicated pages) required by this Approval.

3A.3 Prior to the commencement of construction, or as otherwise agreed by the Director-General, the Proponent shall prepare and implement a **Complaints Management System** consistent with *AS 4269: Complaints Handling* and maintain the System for the life of the Project.

Information on all complaints received, including the means by which they were addressed and whether resolution was reached, with or without mediation, shall be maintained in a complaints register and included in the compliance reports required by this Approval. The information contained within the System shall be made available to the Director-General on request.

Provision of Electronic Information

3A.4 Prior to the commencement of construction, or as otherwise agreed by the Director-General, the Proponent shall establish and maintain a new website, or dedicated pages within an existing website, for the provision of electronic information associated with the Project, for the life of the Project. The Proponent shall, subject to confidentiality, publish and maintain up-to-date information on the website or dedicated pages including, but not necessarily limited to:

a) information on the current implementation status of the Project;
b) a copy of the documents referred to under condition 1.1 of this Approval, and any documentation supporting modifications to this Approval that may be granted;
c) a copy of this Approval and any future modification to this Approval;
d) a copy of each relevant environmental approval/approval, licence or permit required and obtained in relation to the Project;
e) a copy of each current strategy, plan, program or other document required under this Approval;
f) minutes of meetings held by the Community Consultative Committee;
g) the outcomes of compliance tracking in accordance with condition 3B.1 of this Approval; and
h) details of contact point(s) to which community complaints and inquiries may be directed, including a telephone number, postal and email addresses.

Community Enhancement Programme

3A.5 Prior to the commencement of construction to the project, the Proponent shall prepare and submit for the approval of the Director-General, a **Community Enhancement Programme** to fund (or provide in kind) community infrastructure and services in the locality of the project. The Proponent shall establish a fund for the purposes of implementing the Community Enhancement Programme. In preparing the programme and determining the fund, the Proponent shall consult with the council and the CCC.

3B COMPLIANCE MONITORING AND TRACKING

Compliance Tracking Program

3B.1 The Proponent shall develop and implement a **Compliance Tracking Program** to track compliance with the requirements of this Approval. The Program shall be submitted to the Director-General for approval prior to the commencement of construction and operate for the life of the Project. The Program shall include, but not necessarily be limited to:

a) provisions for the notification of the Director-General prior to the commencement of construction and prior to the commencement of operation of the Project (including prior to each stage, where works are being staged);
b) provisions for periodic review of the compliance status of the Project against the requirements of this Approval;
c) provisions for periodic reporting of compliance status to the Director-General, including a Pre-Construction Compliance Report, during construction reporting, and a Pre-Operation Compliance Report;
d) a program for independent environmental auditing in accordance with ISO 19011:2003 - Guidelines for Quality and/ or Environmental Management Systems Auditing;
e) mechanisms for recording environmental incidents during construction and actions taken in response to those incidents;
f) provisions for reporting environmental incidents to the Director-General and relevant public authorities during construction and for the life of the Project;
g) procedures for rectifying any non-compliance identified during environmental auditing, review of compliance or incident management; and
h) provisions for ensuring all employees, contractors and sub-contractors are aware of, and comply with, the conditions of this Approval relevant to their respective activities.

Incident Reporting

3B.2 The Proponent shall notify the Director-General within 24 hours of becoming aware of any incident caused or contributed to by the Project with actual or potential significant off-site impacts on people or the biophysical environment. The Proponent shall provide full written details of the incident to the Director-General within seven days of the date on which the incident occurred.

3B.3 The Proponent shall meet the requirements of the Director-General to address the cause(s) or impacts of any incident, as they relate to this Approval, reported in accordance with condition 3B.2 of this Approval, within such period as the Director-General may require.

Construction Environmental Management Plan
Replace part f) of condition 5.3 with the following:

f) A **Water Management Plan** to outline measures that will be employed to manage water on the site, to minimise soil erosion and the discharge of sediments and other pollutants to lands and/ or waters throughout the life of the project. The Plan must be developed in consultation and to the reasonable satisfaction of NOW and Essential Water, and include, but not necessarily be limited to:

(i) details of the designs of all watercourse crossings and a copy of NOW's endorsement of these designs;
(ii) consideration of all reasonable and feasible options to avoid discharge to ground and/or surface waters including methods to minimise the volume of contaminated water and effluent generated, recycling and reusing water and effluent;
(iii) details of water management measures to be implemented on the project site; and
(iv) demonstration of adequate water supplies and source, including demonstrating that any licences or approvals to authorise the extraction may be obtained.