

Project Approval

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

I, the Minister for Planning, approve the project referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

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



The Hon Tony Kelly MLC
Minister for Planning

Sydney

- 9 AUG 2010

2010

File No: 09/02014

SCHEDULE 1

Application No:	09_0103
Proponent:	Boco Rock Wind Farm Pty Ltd
Approval Authority:	Minister for Planning
Land:	Land to which Major Project Application 09_0103 applies
Project:	The Boco Rock Wind Farm project comprising the construction and operation of a new wind farm with a maximum generation capacity of up to 270 megawatts (involving one of two layouts: 122 x up to 3.3 megawatt turbines or 104 x up to 33 megawatt turbines) and associated infrastructure, approximately six kilometres to the west of the township of Nimmitabel in the Bombala and Cooma-Monaro shire local government areas (however excluding the construction and operation of a new 132 kilovolt overhead transmission line connection from the wind farm to the existing high voltage electricity grid to the east of Nimmitabel).
Major Project:	The project was declared a Major Project under section 75B(1)(a) of the <i>Environmental Planning and Assessment Act 1979</i> , because it is development of a kind described in Group 8 clause 24(a) of Schedule 1 of <i>State Environmental Planning Policy (Major Development) 2005</i> .
Critical Infrastructure:	The project is classified as critical infrastructure in accordance with section 75C of the <i>Environmental Planning and Assessment Act 1979</i> , by virtue of the then Minister's declaration of 11 November 2009 relating to renewable energy projects including the Boco Rock Wind Farm Project (MP09_0103), being

development for the purposes of wind farms, which are the subject of a project application lodged pursuant to section 75E or 75M of the *Environmental Planning and Assessment Act 1979*.

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SCHEDULE 2

Act, the	<i>Environmental Planning and Assessment Act 1979</i>
Conditions of Approval	The Minister's conditions of approval for the project.
Construction	All pre-operation activities associated with the project other than survey, acquisitions, fencing, investigative drilling or excavation, building/road dilapidation surveys or other activities determined by the Environmental Representative to have minimal environmental impact such as minor access roads, commissioning activities, minor adjustments to services / utilities, establishing temporary construction sites, or minor clearing (except where threatened species, populations or ecological communities would be affected).
Council	Bombala or Cooma-Monaro Shire Councils, as relevant
DECCW	The Department of Environment, Climate Change and Water
Department, the	Department of Planning
DEWHA	Commonwealth Department of Environment, Water, Heritage and the Arts
DII	Industry and Investment NSW
Director-General, the	Director-General of the Department of Planning (or delegate).
Director-General's approval or the agreement or satisfaction of the Director-General	A written approval from the Director-General (or delegate).
Dust	Any solid material that may become suspended in air or deposited
Environmental Assessment	<i>Boco Rock Wind Farm Environmental Assessment</i> prepared by Wind Prospect CWP Pty Ltd and dated November 2009
EPA	Environment Protection Authority as part of DECCW
Micro-Siting	Means a location allowance of 100 metres radius for project components as long as impacts remain consistent with that assessed.
Minister, the	Minister for Planning
Non-associated Receptor	Landowner that has not reached a financial or in kind agreement with the Proponent in relation to the project.
NOW	NSW Office of Water as part of DECCW
Operation	Any activity which results in the production of electricity for contribution to the electricity grid, but does not include commissioning.
Preferred Project Report	<i>Boco Rock Wind Farm Preferred Project Report and Response to Submissions</i> prepared by Wind Prospect CWP Pty Ltd and dated May 2010
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 and cost of mitigation versus benefits provided, community views and nature and extent of potential improvements.
Registered Aboriginal Stakeholders	Aboriginal stakeholders identified as registered stakeholders in the Environmental Assessment
RFS	NSW Rural Fire Service
RTA	NSW Roads and Traffic Authority
Site	Land to which Major Projects Application 09_0103 applies.

1. ADMINISTRATIVE CONDITIONS

Terms of Approval

- 1.1 The Proponent shall carry out the project generally in accordance with:
- a) Major Projects Application 09_0103;
 - b) *Boco Rock Wind Farm Environmental Assessment* prepared by Wind Prospect CWP Pty Ltd and dated November 2009;
 - c) *Boco Rock Wind Farm Preferred Project Report and Response to Submissions* prepared by Wind Prospect CWP Pty Ltd and dated May 2010; and
 - d) 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 1.1d) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency;; and
 - b) any document listed from condition 1.1a) and 1.1d) inclusive, and any other document listed from condition 1.1a) and 1.1d) inclusive, the most recent document shall prevail to the extent of the inconsistency.
- 1.3 The Proponent shall comply with any reasonable requirement(s) of the Director-General arising from the Department's assessment of:
- a) any reports, plans or correspondence that are submitted in accordance with this approval; and
 - b) the implementation of any actions or measures contained in these reports, plans or correspondence.

Limits of Approval

- 1.4 This approval shall not operate until the Proponent has demonstrated to the satisfaction of the Director-General that an approval has been obtained for the construction and operation of a new 132 kilovolt overhead transmission line connection from the project to the existing high voltage electricity grid to the east of Nimmitabel, following due consideration of the cumulative impacts from the project and the new transmission connection. For the purpose of this condition, an approval means approval obtained from a relevant determining authority under Part 5 of the Act.
- 1.5 This approval shall lapse five years after the date on which it is granted unless works the subject to this approval have physically commenced on site. However, works cannot physically commence on site until the approval has been enacted in accordance with the requirements of condition 1.4. For the purposes of this condition works means all construction, operation and decommissioning activities associated with the project including those activities which are excluded from the definition of construction in Schedule 2.
- 1.6 The Proponent may elect to construct or operate the project in discrete work packages or stages. In this case, these conditions of approval may be complied with separately for each discrete work package or stage, as relevant.

Decommissioning

- 1.7 Within 18 months of the cessation of operation of the project, the site shall be decommissioned and returned, as far as practicable, to its condition prior to the commencement of construction in consultation with the relevant landowner(s) and to the satisfaction of the Director-General. All generating facilities and associated infrastructure (including but not necessarily limited to the collector substation and transformers, overhead and underground transmission lines and control cabling 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 decommission that these components: are permissible under the landuse provisions existing

at the time of decommissioning; would not pose an ongoing impediment to permissible landuse at the properties; and their retention has been agreed to by the relevant landowners.

- 1.8 If any wind turbine is not used for the generation of electricity for a continuous period of 12 months, it shall be decommissioned by the Proponent, 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 18 months from the date that the wind turbine was last used to generate electricity.
- 1.9 Prior to the commencement of construction, the Proponent shall 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. SPECIFIC ENVIRONMENTAL CONDITIONS

Flora and Fauna Impacts

Biodiversity Offset

- 2.1 Unless otherwise agreed to by the Director-General, prior to the commencement of construction of the project, the Proponent shall in consultation with the DECCW and DEWHA secure a biodiversity offset package comprising a minimum of 750 hectares of Natural Temperate Grasslands, which provides suitable habitat for the Grassland Earless Dragon, Striped Legless Lizard and Little Whip Snake in perpetuity through BioBanking mechanisms to the satisfaction of the Director-General. Unless otherwise agreed to by the Director-General in consultation with DECCW and DEWHA, the biodiversity offset package shall include at least 150 hectares of confirmed habitat for the Grassland Earless Dragon and the Striped Legless Lizard and at least 300 hectares of confirmed habitat for the Little Whip Snake.

Detailed Design & Micro-Siting

- 2.2 The Proponent shall ensure that all that reasonable and feasible effort is made to locate wind turbines at least 30 metres from adjacent hollow-bearing trees which have the potential to provide roost or nesting habitat for bird and bat species identified to be at risk of rotor collision during turbine operation.
- 2.3 The Proponent shall ensure that all reasonable and feasible effort is made to avoid native vegetation disturbance (including clearing of hollow bearing trees) during micro-siting and construction of the project so as to reduce the extent of vegetation disturbance required for the project as far as possible from the maximum worst of 174.3 hectares identified in the Preferred Project Report.

Construction Timing

- 2.4 Consistent with Statement of Commitments 17 and 29, the Proponent shall ensure that construction works which have the potential to impact on habitat for the Grassland Earless Dragon and Striped Legless Lizard is not undertaken at the Springfield and Sherwins turbine clusters during the breeding season (November to January) for these species.

Waterways and Aquatic Habitat

- 2.5 The Proponent shall ensure that any water extracted from the on-site farm dam for the purposes of construction activities is undertaken in a manner that maintains water volumes at levels suitable for the Blue Billed Duck for the duration of the construction of the project.
- 2.6 The Proponent shall ensure that the waterway crossing of the McLaughlin River is designed and constructed in consultation with NOW and DII (Fisheries) and consistent with DII (Fisheries) guidelines *Policy and Guidelines for Fish Friendly Waterway Crossings* (2004)

Rehabilitation and Revegetation

- 2.7 The Proponent shall ensure that any disturbance to watercourses and/or associated riparian vegetation is rehabilitated to a standard equal to or better than the existing condition in consultation with the NOW and DII (Fisheries) within six months of the cessation of construction activities at the relevant area. Any revegetation measures undertaken shall be monitored and maintained consistent with the requirements of condition 2.8.
- 2.8 The Proponent shall implement a revegetation and rehabilitation program for all areas of the development footprint which are disturbed during the construction of the project however, which are not required for the ongoing operation of the project including temporary construction facility sites and sections of construction access roads. The Proponent shall ensure that all revegetation measures are implemented progressively where possible and in all cases within six months of the cessation of construction activities at the relevant area. Unless otherwise agreed to by the Director-General, the Proponent shall monitor and maintain the health of all revegetated areas until such time that the plantings have been verified by an independent and suitably qualified expert (whose appointment has been agreed to by the Director-General) as being well established, in good health and self sustaining.

Noise Impacts

Construction Hours

- 2.9 The Proponent shall only undertake construction activities associated with the project that would generate an audible noise at any sensitive receptor during the following hours:
- a) 7:00 am to 6:00 pm, Mondays to Fridays, inclusive;
 - b) 8:00 am to 1:00 pm on Saturdays; and
 - c) at no time on Sundays or public holidays.

This condition does not apply in the event of a direction from police or other relevant authority for safety reasons, or emergency work to avoid the loss of lives, property and/or to prevent environmental harm. In addition, this condition does not apply to any blasting activities associated with construction, which must adhere to the hours of work outlined in condition 2.10 of this approval.

- 2.10 Blasting associated with the construction of the project shall only be undertaken during the following hours:
- a) 9:00 am to 5:00 pm, Mondays to Fridays, inclusive;
 - b) 9:00 am to 1:00 pm on Saturdays; and
 - c) at no time on Sundays or public holidays.
- 2.11 The hours of construction activities specified under conditions 2.8 and 2.10 of this approval may be varied with the prior written approval of the Director-General. Any request to alter the hours of construction specified under conditions 2.8 and 2.10 shall be:
- a) considered on a case-by-case basis;
 - b) accompanied by details of the nature and need for activities to be conducted during the varied construction hours and any other information necessary to reasonably determine that activities undertaken during the varied construction hours will not adversely impact on the acoustic amenity of sensitive receptors in the vicinity of the site; and
 - c) affected receptors being informed of the timing, duration and location of the works approved under this condition as well as a contact point for inquiries and complaints at least 48 hours before that work commences.

Construction Noise

- 2.12 The Proponent shall implement all reasonable and feasible measures to minimise noise generation from the construction of the project consistent with the requirements of the *Interim Construction Noise Guideline* (DECC, July 2009) including noise generated by heavy vehicle haulage and other construction traffic associated with the project.

Construction Blasting

- 2.13 The Proponent shall ensure that air blast overpressure generated by blasting associated with the project does not exceed the criteria specified in Table 1 when measured at the most-affected residential or sensitive receiver.

Table 1 – Airblast Overpressure Criteria

Air blast Overpressure (dB(Lin Peak))	Allowable Exceedance
115	5% of total number of blasts over a 12 month period
120	Never

- 2.14 The Proponent shall ensure that the ground vibration generated by blasting associated with the project does not exceed the criteria specified in Table 2 when measured at the most-affected residential or sensitive receiver.

Table 2 – Peak Particle Velocity Criteria

Peak Particle Velocity Criteria (mms⁻¹)	Allowable Exceedance
5	5% of total number of blasts over a 12 month period
10	Never

- 2.15 Prior to each blasting event, the Proponent shall notify the relevant local council and potentially-affected landowners, including details of time and location of the blasting event and providing a contact point for inquiries and complaints.

Vibration Impacts

- 2.16 The Proponent shall ensure that the vibration resulting from construction and operation of the project does not exceed the preferred values vibration (for low probability of adverse comment) presented in *Assessing Vibration: A Technical Guideline* (DECC, February 2006), at any sensitive receptor.

Operational Noise Criteria – Wind Turbines

- 2.17 The Proponent shall design, operate and maintain the project to ensure that the equivalent noise level ($L_{Aeq}(10\text{-minute})$) from the wind turbine component of the project does not exceed the following limits at any existing sensitive receptor:
- 35 dB(A); or
 - the existing background noise level ($L_{A90}(10\text{-minute})$) correlated to the integer wind speed at the turbine hub height at the wind farm site by more than 5 dB(A),
- whichever is the greater, for each integer wind speed (measured at hub height) from cut-in to rated power of the wind turbine generator.

For the purpose of assessment of noise contributions specified under conditions 2.17:

- 5 dB(A) shall be applied to measured noise levels where tonality is present. The presence of tonality shall be determined using the methodology detailed in *Wind Turbine Generator Systems- Part 11: Acoustic Noise Measurement Techniques* IEC 61400-11:2002 or its latest edition; and
- noise from the project shall be measured at the most affected point within the residential boundary, or at the most affected point within 20 metres of the dwelling, where the dwelling is more than 20 metres from the boundary.

- 2.18 Notwithstanding conditions 2.17 of this approval, the noise limits specified under conditions 2.17 does not apply to any sensitive receptor where a noise agreement is in place between the Proponent and the respective landowner(s) in relation to noise impacts and/or noise limits. Where a noise agreement has been entered into, the noise agreements shall satisfy the requirements of *Guidelines for Community Noise* (WHO, 1999) and Section 2.3 of *Wind Farms: Environmental Noise Guidelines* (South Australian Environmental Protection Agency, 2003).
- 2.19 At least 6 months prior to the commencement of commissioning of the wind turbines, the Proponent shall prepare and submit a **Detailed Design Noise Report (Wind Turbines)** for the Director-General's approval. The Detailed Design Noise Report (Wind Turbines) shall predict noise levels at each of the receptor locations identified in condition 2.17 generally consistent with the procedures presented in *Wind Farms - Environmental Noise Guidelines* (South Australian Environmental Protection Agency, 2003) considering the final turbine model and layout of the project and worst case operating and meteorological factors to demonstrate that noise levels associated with the final design would be no greater than the noise limits identified in condition 2.17 at surrounding sensitive receptors.

Operational Noise Criteria – Other Facilities

- 2.20 The Proponent shall design, construct, operate and maintain the collector substation to ensure that the noise contributions from these components to the background acoustic environment do not exceed the maximum allowable noise contributions specified in Table 3, at the nearest existing sensitive receptor to the substation. The maximum allowable noise contributions apply under wind speeds up to 3 ms^{-1} (measured at 10 metres above ground level), or under temperature inversion conditions of up to $3 \text{ }^{\circ}\text{C}/100 \text{ metres}$ and wind speeds of up to 2 m/s at 10 metres above the ground.

Table 3 – Substation Noise Criteria

Day 7:00am to 6:00pm Mondays to Saturdays 8:00am to 6:00pm Sundays and public holidays	Evening 6:00pm to 10:00pm on any day	Night 10:00pm to 7:00am Mondays to Saturdays 10:00pm to 8:00am Sundays and public holidays	
L_{Aeq}(15 minute)	L_{Aeq}(15 minute)	L_{Aeq}(15 minute)	L_{A1} (1 minute)
35	35	35	45

For the purpose of assessment of noise contributions specified under this condition, noise from these components shall be:

- measured at the most affected point within the residential boundary or at the most affected point within 30 metres of the dwelling where the dwelling is more than 30 metres from the boundary to determine compliance with the $L_{Aeq}(15 \text{ minute})$ noise limits;
- measured at 1 metre from the dwelling façade to determine compliance with the $L_{A1}(1 \text{ minute})$ noise limits; and
- subject to the modification factors provided in Section 4 of the *New South Wales Industrial Noise Policy* (EPA, 2000), where applicable.

Notwithstanding, should direct measurement of noise from these components be impractical, the Proponent may employ an alternative noise assessment method deemed acceptable by the EPA (refer to Section 11 of the *New South Wales Industrial Noise Policy* (EPA, 2000)). Details of such an alternative noise assessment method accepted by the EPA shall be submitted to the Director-General prior to the implementation of the assessment method.

Unless otherwise agreed to by the Director-General, the modification factors presented in Section 4 of the *New South Wales Industrial Noise Policy* (EPA, 2000), in relation to low frequency noise, only apply if the difference between the A weighted and the C weighted noise is greater than or equal to 15 dB and the measured sound pressure level is greater than $L_{eq} 65 \text{ dB(C)}$.

- 2.21 The requirements of condition 2.20 do not apply if a negotiated agreement consistent with the requirements of Section 8.3 of the *New South Wales Industrial Noise Policy* (EPA, 2000), exists between the Proponent and the relevant sensitive receptor.

Operational Noise Design Standards – Overhead Transmission Line

- 2.22 The Proponent shall ensure that any overhead transmission line associated with the project is designed, constructed and operated to minimise the generation of corona and aeolian noise as far as reasonable and feasible at nearest existing sensitive receptors.

Visual Amenity

Turbines

- 2.23 Within six months of the commissioning of the project, the Proponent shall prepare and submit a Visual Impact Verification Report for the Director-General's approval, confirming the visual impacts of the wind turbines at each non-associated receptor identified in the Environmental Assessment to be moderately or highly impacted. The Report shall consider the final model and layout of turbines for the project as well as any site-specific mitigating factors at the receptor. The Report shall identify all reasonable and feasible screen planting options available at each receptor for which impacts have been verified to be moderate to high including demonstrating that these measures have been determined in consultation with affected receptors. The Proponent shall ensure that the identified screen plantings are implemented within a timeframe agreed to with the landowner, however no later than within 18 months of the approval of the Visual Impact Verification Report by the Director-General. Unless otherwise agreed to by the Director-General, the Proponent shall monitor and maintain the health of the plantings until such time that the plantings have been verified by an independent and suitably qualified expert (whose appointment has been agreed to by the Director-General) as being well established and in good health. Any plantings which are unsuccessful during that time shall be replaced by the Proponent at no cost to the landowner.
- 2.24 Wind turbine generators shall be painted matt off-white/grey. The blades shall be finished with a surface treatment that minimises any potential for glare or reflection. No advertising, signs or logos shall be mounted on the turbines, except where required for safety purposes. A corporate logo may be placed on the turbines provided it is not distinguishable by the naked eye from any publicly accessible location or from any non-associated receptors.
- 2.25 The Proponent shall ensure that shadow flicker arising from the operation of the project shall not exceed 30 hours/annum at any non-associated receptor.

Substation

- 2.26 The Proponent shall ensure that the substation and associated facility site is designed and constructed to minimise visual intrusion to nearest sensitive receptors as far as reasonable and feasible including appropriate external finishes to minimise glare or reflection, landscape planting to screen views and external lighting requirements in accordance with condition 2.27.

Night Lighting

- 2.27 With the exception of aviation hazard lighting implemented in accordance with the requirements of this condition, no external lighting other than low intensity security night lighting is permitted on site unless otherwise agreed or directed by the Director-General. Prior to the commencement of construction, the Proponent shall consult with the Civil Aviation Safety Authority on the need for aviation hazard lighting in relation to the wind turbines and implement such lighting only where it is specifically required by the Civil Aviation Safety Authority. In this case, aviation hazard light shall be implemented in a manner that minimises visual intrusion to surrounding non-associated receptors as far as reasonable and feasible. The potential for any intrusion from night lighting shall be considered as part of the Visual Impact Verification Report required to be prepared under condition 2.23.

Traffic and Transport Impacts

- 2.28 Prior to the commencement of construction of the project, the Proponent shall commission a suitably qualified expert to assess the condition of all public roads proposed to be traversed by construction traffic associated with the project (including over-mass or over-dimensional vehicles) in consultation with Council and the RTA, and identify any upgrade requirements to accommodate project traffic for the duration of construction (including culvert, bridge and drainage design; intersection treatments; vehicle turning requirements; and site access) considering final traffic volumes. The road dilapidation report shall be submitted to the Director-General prior to the commencement of construction clearly identifying recommendations made by the Council and the RTA and how these have been addressed. The Proponent shall ensure that all upgrade measures identified in the report are implemented to the satisfaction of Council and the RTA, prior to the commencement of construction.
- 2.29 Prior to the commencement of operation of the project, the Proponent shall commission a suitably qualified expert to assess the condition of all public roads traversed by construction traffic associated with the project (including over-mass or over-dimensional vehicles) in consultation with Council and the RTA. Should the pre-operational dilapidation survey report identify any damage to roads attributable to construction traffic associated with the project, the Proponent shall repair the roads consistent with the recommendations of the pre-operational dilapidation survey report, within such time as agreed to with the Council and the RTA. The pre-operation road dilapidation report shall be submitted to the Director-General prior to the commencement of operation, clearly identifying recommendations made by the Council and the RTA and how these have been addressed.

Crown Land

- 2.30 Prior to the commencement of construction of the project, the Proponent shall reach agreement with Council to assume full maintenance responsibility for any Crown road reserves associated with the project which are identified as requiring dedication to Council during the life of the project. The Proponent shall retain full maintenance responsibility for any such road(s) for the duration of their dedication to Council during the life of the project.
- 2.31 Prior to the commencement of construction of the project, the Proponent shall consult with and comply with the requirements of the Department of Lands in relation to any Crown land affected by the project to enable the lawful use of that land by the project.

Hazards and Risk

Bushfire Risk

- 2.32 The Proponent shall ensure that all project components on site are designed, constructed and operated to minimise ignition risks, provide for asset protection consistent with relevant RFS design guidelines (*Planning for Bushfire Protection 2006 and Standards for Asset Protection Undated*) and provide for necessary emergency management including appropriate fire-fighting equipment and water supplies on site to respond to a bush fire.
- 2.33 Throughout the operational life of the project, the Proponent shall regularly consult with the local RFS to ensure its familiarity with the project, including the construction timetable and the final location of all infrastructure on the site. The Proponent shall comply with any reasonable request of the local RFS to reduce the risk of bushfire and to enable fast access in emergencies.

Aviation Obstacles and Hazards

- 2.34 Prior to the commencement of construction and operation, the Proponent shall provide the following information to the Civil Aviation Safety Authority, AirServices Australia, the Aerial Agricultural Association of Australia as well as known privately owned local airfields in the local area:
- 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) elevation at the base of each wind turbine generator in Australian Height Datum.

2.35 Should increases to the costs of aerial agricultural spraying on any non-associated property surrounding the site be attributable to the operation of the project, the Proponent shall fully fund to the affected landowner, the cost difference between current aerial agricultural spraying and the increased cost.

Bunding and Spill Management

2.36 The Proponent shall 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 EPA's Environment Protection Manual Technical Bulletin *Bunding and Spill Management*.

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

Electromagnetic Interference

Television and Radio Interference

2.37 Prior to the commencement of commissioning of the project, the Proponent shall undertake an assessment of the existing quality of the television/radio transmission available at a representative sample of receptors located within 5 kilometres of any wind turbine.

2.38 In the event of a complaint regarding television/radio transmission during the operation of the project, from a receptor located within 5 kilometres of a wind turbine, the Proponent shall investigate the quality of transmission at the receptor compared to the pre-commissioning situation and where any transmission problems can be reasonably attributable to the project, rectify the problems within three months of the receipt of the complaint, through the implementation of such measures as:

- 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 receptor and an antenna located in an area of favourable reception; or
- d) other feasible measures.

If interference cannot be overcome by the measures outlined in a) to d), the Proponent shall negotiate with the impacted landowner about installing and maintaining a satellite receiving antenna. The Proponent shall be responsible for all costs associated with the mitigation measures.

Radio Communication

2.39 The Proponent shall design and construct the project in consultation with registered communications licensees (including emergency services) to ensure that risks to these services are minimised as far as reasonable and feasible. 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 relevant licensee to rectify any issue within three months of the problem being identified. 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.

Heritage Impacts

- 2.40 The Proponent shall ensure that registered Aboriginal stakeholders are provided the opportunity to have input into any micro-siting of project components in relation to potential impacts on indigenous heritage and cultural values.
- 2.41 If during the course of construction the Proponent becomes aware of any previously unidentified Aboriginal object(s), all work likely to affect the object(s) shall cease immediately and the DECCW informed in accordance *National Parks and Wildlife Act 1974*. In addition, registered Aboriginal stakeholders shall be informed of the finds. Works shall not recommence until an appropriate strategy for managing the objects has been determined in consultation with DECCW and the registered Aboriginal stakeholders and written authorisation from DECCW is received by the Proponent.
- 2.42 If during the course of construction the Proponent becomes aware of any unexpected historical relic(s), all work likely to affect the relic(s) shall cease immediately and the Heritage Office notified in accordance with the *Heritage Act 1977*. Works shall not recommence until the Proponent receives written authorisation from the Heritage Office.

Dust Generation

- 2.43 The Proponent shall construct and operate the project in a manner that minimises dust generation from the site, including wind-blown and traffic-generated dust as far as practicable. All project related activities on the site shall be undertaken with the objective of preventing visible emissions of dust from the site. Should visible dust emissions attributable to the project occur during operation and construction, the Proponent shall identify and implement all practicable dust mitigation measures, including cessation of relevant works, as appropriate, such that emissions of visible dust cease.

Water Quality Impacts

- 2.44 Except as may be expressively provided by an Environment Protection Licence for the project, the Proponent shall comply with section 120 of the *Protection of the Environment Operations Act 1997* which prohibits the pollution of waters.
- 2.45 Soil and water management controls shall be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities, in accordance with Landcom's *Managing Urban Stormwater: Soils and Conservation*.

Waste Generation and Management

- 2.46 The Proponent shall not cause, permit or allow any waste generated outside the site to be received at the site for storage, treatment, processing, reprocessing, or disposal on the site, except as expressly permitted by a licence under the *Protection of the Environment Operations Act 1997*, if such a licence is required in relation to that waste.
- 2.47 The Proponent shall maximise the reuse and/or recycling of waste materials generated on site, to minimise the need for treatment or disposal of those materials outside the site.
- 2.48 The Proponent shall ensure that all liquid and/or non-liquid waste generated on the site is assessed and classified in accordance with *Waste Classification Guidelines* (DECC, 2008), or any future guideline that may supersede that document and where removed from the site is only directed to a waste management facility lawfully permitted to accept the materials.
- 2.49 The Proponent shall ensure that no green waste is burnt on site during the life of the project.

Ancillary Facilities

- 2.50 The Proponent shall locate temporary construction facilities associated with the project (including batch plant/ rock crusher sites) at the locations identified in the Environmental

Assessment unless otherwise agreed to by the Director-General. In seeking approval from the Director-General on alternative sites, the Proponent shall demonstrate that the site:

- a) would be located within the project site identified in the Preferred Project Report;
- b) would not require vegetation clearing beyond that already assessed for the project;
- c) would achieve construction noise goals consistent with *Interim Construction Noise Guideline* (DECC, July 2009) and construction vibration goals consistent with *Assessing Vibration: A Technical Guideline* at nearest sensitive receptors;
- d) would be located away from any identified areas of aboriginal cultural heritage sensitivity;
- e) would be located away from waterways or other significant water bodies;
- f) would have ready access to the road network and not require significant heavy vehicle movement near sensitive receptors; and
- g) would be separated from nearest sensitive receptors by at least 500 metres.

Community Contributions

- 2.51 Prior to the commencement of construction of the project, the Proponent shall establish a **Community Enhancement Program Fund** to be jointly administered by Bombala and Cooma-Monaro Shire Councils to fund community enhancement measures in the Bombala and Cooma-Monaro Shire local government area to offset any potential residual amenity impacts associated with the project within these local government areas. Community enhancement measures may include (but are not necessarily limited to) improvements to community infrastructure and services, sustainability initiatives and opportunities for local economic and tourist development. The Proponent shall contribute an annual sum of \$2,500 per operational turbine to the fund, from the commencement of operation of the project until the end of its operational life. The contribution shall be adjusted to take account of any increase in the Consumer Price Index over time, commencing at the June 2010 quarter. The terms for the administration of the funds shall be agreed between the Proponent and Bombala and Cooma-Monaro Shire Councils and submitted for the Director-General's approval prior to the commencement of construction.

3. ENVIRONMENTAL MONITORING AND AUDITING

Operational Noise Performance

- 3.1 Within 12 months of the commencement of operation of the project (or such other period as agreed to by the Director-General), the Proponent shall prepare a **Noise Compliance Report** for the approval of the Director-General which assesses the performance of the project against the operational noise criteria and/ or standards specified in conditions 2.17 and 2.20.

The compliance assessment shall be undertaken consistent with the procedures presented in *Wind Farms - Environmental Noise Guidelines* (South Australian Environmental Protection Agency, 2003) for the wind turbines and the *New South Wales Industrial Noise Policy* (EPA, 2000) for the substation and at period(s) commensurate with the worst case operational and meteorological factors relevant to the specific project component. Specifically, in relation to the wind turbines this includes monitoring at all relevant rated wind speeds where noise exceedances may occur and the range of stability class conditions expected at receptor locations. The Noise Compliance Report shall specifically consider any modulation related noise generation from the wind turbines and any cumulative noise impacts from the operation of the wind turbines and the substation.

The compliance assessment results shall be submitted to the Director-General within one month of the completion of the monitoring. The Director-General may request that additional noise compliance monitoring be undertaken and completed within a specified timeframe.

- 3.2 In the event that compliance monitoring indicates that noise from the wind turbines exceeds the noise limits specified under conditions 2.17 and 2.20, the Proponent shall identify reasonable and feasible noise mitigation and management measures to achieve compliance with the noise limits in the Noise Compliance Report, including a timetable for their

implementation. Remedial measures shall include, in the first instance, all reasonable and feasible measures to reduce noise from the project, including but not necessarily limited to sector management of wind turbines. 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 Noise Compliance Report shall include details of at least preliminary discussions with affected landowners, where at-receiver measures are proposed. The Proponent shall implement all mitigation measures approved as part of the Noise Compliance Report in accordance with the implementation timetable identified in the Report. The requirements of this condition do not apply where a noise agreement exists between the Proponent and the relevant receptor in accordance with conditions 2.18 or 2.21.

Bird and Bat Monitoring

3.3 Prior to the commencement of construction, the Proponent shall 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 shall be prepared and implemented by a suitably qualified expert, approved by the Director-General. The Program shall incorporate Monitoring, and a Decision Matrix that clearly sets out how the Proponent will respond to the outcomes of monitoring. It shall:

- 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 shall 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;
- 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 bird and bat populations that have been identified as a result of the monitoring;
- d) identify 'at risk' bird and bat groups, seasons (such as wet seasons where bird species may be attracted to nearby wetlands) and/or areas within the project site which may attract high levels of mortality and include monthly mortality assessments and periodic local population census' 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 mitigation measures identified, progress with the implementation of such measures, and their success.

The Reports referred to under part f) shall be submitted to the Director-General on an annual basis for the first five years of operation and every two years thereafter from the commencement of operation (unless otherwise agreed to by the Director-General), and shall be prepared within two months of the end of the reporting period. The Director-General may, at the request of the Proponent, vary the reporting requirement or period by notice in writing to the Proponent. The Proponent may request the Director-General to consider a variation to the reporting requirements at anytime.

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.

4. COMPLIANCE TRACKING PROGRAM

- 4.1 Prior to the commencement of construction, the Proponent shall develop and implement a **Compliance Tracking Program** for the project, to track compliance with the requirements of this approval during the construction and operation of the project and shall include, but not necessarily limited to:
- a) provisions for periodic review of the compliance status of the project against the requirements of this approval, Statement of Commitments and relevant environmental approvals, licences or permits required and obtained in relation to the project;
 - b) provisions for periodic reporting of compliance status against the requirements of this approval and Statement of Commitments to the Director-General including at least one month prior to the commencement of construction and operation of the project;
 - c) a program for independent environmental auditing in accordance with *AS/NZ ISO 19011:2003 - Guidelines for Quality and/or Environmental Management Systems Auditing*;
 - d) procedures for rectifying any non-compliance identified during periodic reviews of compliance or environmental auditing;
 - e) mechanisms for recording environmental incidents and actions taken in response to those incidents; and
 - f) provisions for reporting environmental incidents to the Director-General during construction and operation.

5. COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

- 5.1 Subject to confidentiality, the Proponent shall make all documents required under this approval available for public inspection on request.

Provision of Electronic Information

- 5.2 Prior to the commencement of construction of the project, the Proponent shall establish a dedicated website or maintain dedicated pages within its existing website for the provision of electronic information associated with the project subject to confidentiality. The Proponent shall publish and maintain up-to-date information on this website or dedicated pages including, but not necessarily limited to:
- a) the current implementation status of the project;
 - b) the documents referred to under condition 1.1 of this approval;
 - c) a copy of this approval and any future modification to this approval (including any associated environmental assessment documentation submitted as part of a modification request);
 - d) a copy of each relevant environmental approval, licence or permit required and obtained in relation to the project; and
 - e) a copy of each plan, report, or required monitoring program under this approval; details of the outcomes of compliance reviews and audits of the project.

Complaints Procedure

- 5.3 Prior to the commencement of construction of the project, the Proponent shall ensure that the following are available for community complaints for the life of the project (including construction and operation):
- a) a 24 hour telephone number on which complaints about construction and operational activities at the site 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 shall be advertised in a newspaper circulating in the locality on at least six monthly intervals during construction and at least yearly intervals during the operation of the project. These details shall also be provided on the Proponent's internet site. The telephone number, the postal address and the email address shall be displayed on a sign near the entrance to the site, in a position that is clearly visible to the public.

- 5.4 The Proponent shall record details of all complaints received through the means listed under condition 5.3 of this approval in an up-to-date Complaints Register. The Register shall record, but not necessarily be limited to:
- a) the date and time, where relevant, of the complaint;
 - b) the means by which the complaint was made (telephone, mail or email);
 - c) the nature of the complaint;
 - d) any action(s) taken by the Proponent in relation to the complaint, including timeframes for implementing the action and timeframe for getting back to the complainant with an interim or final response regarding actions taken or proposed to be taken to address the issues raised; and
 - e) if no action was taken by the Proponent in relation to the complaint, the reason(s) why no action was taken.

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

Community Information Plan

- 5.5 Prior to the commencement of construction, the Proponent shall prepare a **Community Information Plan** which outlines measures for disseminating information on the development status of the project and methods for actively engaging with surrounding landowners and members of the community regarding issues that would be of interest/concern to them during the construction and operation of the project. This may include distribution of community newsletters, stakeholder meetings and opportunities for site visits. The Plan shall include but not be limited to:
- a) procedures to inform the local community of planned construction activities including construction traffic routes, potential traffic disruptions, high noise generating activities and works outside of normal construction hours;
 - b) procedures to inform and consult with landowners regarding landscaping measures at their properties in accordance with condition 2.23 of this approval;
 - c) procedures to inform and consult with landowners regarding the outcomes of noise monitoring undertaken at their properties in accordance with condition 3.1 of this approval;
 - d) procedures to inform and consult with landowners regarding the outcomes of compliance reviews and audits of the project; and
 - e) measures outlined in conditions 5.1 to 5.4.

The Plan shall be submitted for the approval of the Director-General no later than one month prior to the commencement of any construction works associated with the project, or within such period otherwise agreed by the Director-General. Construction works shall not commence until written approval has been received from the Director-General.

6. ENVIRONMENTAL MANAGEMENT

Environmental Representative

- 6.1 Prior to the commencement of any construction or operational activities, or as otherwise agreed by the Director-General, the Proponent shall nominate for the approval of the Director-General a suitably qualified and experienced Environmental Representative(s) independent of the design, construction and operation personnel. The Proponent shall engage the Environmental Representative(s) during any construction activities, and throughout the life of the project, or as otherwise agreed by the Director-General. The Environmental Representative(s) shall be the Proponent's principal point of advice in relation to the environmental performance of the project and shall have responsibility for:
- a) overseeing the implementation of all environmental management plans and monitoring programs required under this approval, and advise the Proponent upon the achievement of these plans/programs;
 - b) considering and advising the Proponent on its compliance obligations against all matters specified in the conditions of this approval, the Statement of Commitments, permits and licences; and

- c) having the authority and independence to recommend to the Proponent reasonable steps to be taken to avoid or minimise unintended or adverse environmental impacts, and, failing the effectiveness of such steps, to recommend to the Proponent that relevant activities are to be ceased as soon as reasonably practicable if there is a significant risk that an adverse impact on the environment will be likely to occur.

Construction Environmental Management Plan

6.2 The Proponent shall prepare and implement a **Construction Environmental Management Plan** in accordance with the *Guideline for the Preparation of Environmental Management Plans* (DUAP, 2004) or its latest revision. The Plan shall include but not be necessarily be limited to:

- a) a description of all activities to be undertaken on the site during construction including an indication of stages of construction, where relevant;
- b) identification of the potential for cumulative impacts with other construction activities occurring in the vicinity (such as the transmission line connection to the existing electricity grid) and how such impacts would be managed;
- c) identification of the location of temporary construction sites including whether alternative locations (that were not identified in the Environmental Assessment) are proposed in accordance with condition 2.50;
- d) a description of the statutory obligations that the Proponent is required to fulfil prior to and during construction including all relevant approvals, licences and permits required and applicable key legislation and policies;
- e) evidence of consultation with relevant public authorities required under this condition and how issues raised by the agencies have been addressed in the plan;
- f) a description of the roles and responsibilities for all relevant employees involved in the construction of the project including relevant training and induction provisions for ensuring that all employees, contractors and sub-contractors are aware of their environmental and compliance obligations under these conditions of approval;
- g) an environmental risk analysis to identify the key environmental performance issues associated with the construction phase and details of how environmental performance would be monitored and managed to meet acceptable outcomes including what actions will be taken to address identified potential adverse environmental impacts. In particular, the following environmental performance issues shall be addressed in the Plan:
 - i) measures to monitor and manage dust emissions including dust generated by traffic on unsealed public roads and unsealed internal access tracks;
 - ii) measures to monitor and manage noise, vibration and blasting impacts including: identification of nearest sensitive receptors and relevant construction noise and vibration goals applicable (including at any existing uninhabited dwellings which may be inhabited at the time of construction), identification of all reasonable and feasible measures proposed to be implemented to minimise construction noise and vibration impacts (including construction traffic noise impacts), measures for notifying surrounding receptors of noisy activities or works outside of standard hours, and measures for monitoring compliance and responding to complaints;
 - iii) measures to monitor and manage traffic impacts in consultation with relevant road authorities (Council and RTA, as relevant) including: identification of construction traffic routes and traffic volumes along each route, potential traffic disruptions considering road safety and level of service, and specific measures for minimising traffic impacts;
 - iv) measures to monitor and manage Aboriginal heritage impacts in consultation with registered stakeholders and DECCW including: details of further archaeological investigations and/or salvage measures to be carried out prior to construction, procedures for the management of identified objects within the project site, procedures for dealing with unidentified objects and/or human remains, Aboriginal cultural heritage induction processes for construction personnel, and procedures for ongoing Aboriginal consultation and involvement;

- v) measures to monitor and manage soil and water impacts in consultation with NOW and DII (Fisheries) including: control measures for works close to or involving waterway crossings (including rehabilitation measures following disturbance and monitoring measures and completion criteria to determine rehabilitation success), identification of construction activities that are likely to pose a risk of groundwater interference, and procedures for managing groundwater impacts should they occur (including to groundwater dependent species and to registered groundwater users); and
- vi) emergency management measures including measures to control bushfires; and
- h) procedures for the periodic review and update of the Construction Environmental Management Plan as necessary.

The Plan shall be submitted for the approval of the Director-General no later than one month prior to the commencement of any construction works associated with the project, or within such period otherwise agreed by the Director-General. Construction works shall not commence until written approval has been received from the Director-General.

6.3 As part of the Construction Environmental Management Plan for the project, required under condition 6.2 of this approval, the Proponent shall prepare and implement a **Flora and Fauna Management Plan** to manage the construction impacts of the project on flora and fauna (in particular endangered ecological communities, threatened species and their habitat). The Plan shall be prepared in consultation with the DECCW and shall include, but not necessarily be limited to:

- a) details of the final project design including demonstration of how biodiversity impacts have been avoided as far as reasonable and feasible in accordance with conditions 2.2 and 2.3;
- b) detailed constraint mapping of the final project area clearly identifying sensitive vegetation/habitat areas to be avoided and/or areas where site-specific management measures are required;
- c) measures for minimising impacts to native vegetation and important habitat features including but not necessarily limited to: control measures for aquatic and/ or riparian habitat in accordance with conditions 2.5 and 2.6 (including contingency measures for meeting the water requirements for the project should sourcing water from the on site farm dam conflict with maintaining water levels for the Blue Billed Duck), pre-clearance surveys by a qualified ecologist to identify sensitive vegetation areas or habitat features to be avoided and weed management;
- d) construction practices to avoid direct interaction/ injury to fauna including but not necessarily limited to:
 - (i) timing of construction so as to take into account sensitive life cycle stages for sensitive species (in accordance with condition 2.4);
 - (ii) pre-construction surveys for the presence of sensitive fauna by a qualified ecologist, including for the Grassland Earless Dragon and Striped Legless Lizard utilising survey methodology developed in consultation with DECCW;
 - (iii) as far as reasonable and feasible, maintaining appropriate barriers (such as dampcourse) so as to deter small or fossorial reptiles from entering the construction site;
 - (iv) development of a specific harm minimisation/ relocation strategy for the Grassland Earless Dragon and Striped Legless Lizard in consultation with DECCW detailing how any individuals identified within the construction area would be relocated to adjacent habitat to prevent harm; and
 - (v) measures to minimise the potential for fauna to get trapped in trenches during construction and measures for monitoring and rescuing any species should they become trapped including ensuring that monitoring and rescue measures are undertaken by a qualified ecologist; and
- e) measures for progressive rehabilitation during construction including identification of performance indicators and completion criteria for revegetation works and measures

for the monitoring and maintenance of revegetation works consistent with the requirements of conditions 2.7 and 2.8.

Operation Environmental Management Plan

6.4 The Proponent shall prepare and implement an **Operation Environmental Management Plan** to detail an environmental management framework, practices and procedures to be followed during operation of the project. The Plan shall be consistent with *Guideline for the Preparation of Environmental Management Plans* (DIPNR 2004) and shall include, but not necessarily be limited to:

- a) a description of key operational and maintenance activities associated with the project;
- b) identification of all statutory and other obligations that the Proponent is required to fulfil in relation to operation of the project, including all approvals, licences, approvals and consultations;
- c) a description of the roles and responsibilities for all relevant employees involved in the construction of the project including relevant training and induction provisions for ensuring that all employees, contractors and sub-contractors are aware of their environmental and compliance obligations under these conditions of approval;
- d) overall environmental policies and principles to be applied to the operation of the project;
- e) an environmental risk analysis to identify the key environmental performance issues associated with the construction phase and details of how environmental performance would be monitored and managed to meet acceptable outcomes including what actions will be taken to address identified potential adverse environmental impacts. In particular, the following environmental performance issues shall be addressed in the Plan:
 - (i) measures to monitor and manage noise emissions including: measures to be undertaken to rectify annoying characteristics resulting from the operation of the project such as but not limited to adverse mechanical noise from component failure, measures for regular performance monitoring of noise generated by the project (in addition to measured identified in conditions 3.1 and 3.2), and measures to proactively respond to and deal with noise complaints;
 - (ii) measures to monitor and manage visual impacts in accordance with the requirements of this approval including maintenance requirements for landscaping measures implemented in relation to the project;
 - (iii) measures to monitor and manage flora and fauna impacts including adaptive bird and bat management in accordance with the requirements of this approval and measures for the monitoring and maintenance of revegetated areas on site (including associated weed management) consistent with the requirements of conditions 2.7 and 2.8;
 - (iv) measures to monitor and manage dust emissions (including dust generated by traffic on unsealed internal access tracks);
 - (v) measures to monitor and manage operational traffic impacts particularly during maintenance events where operational traffic volumes associated with the project may increase and procedures for restoring any damage attributable to the project during the operation phase;
 - (vi) emergency management measures including measures to control bushfires;
- f) procedures for the periodic review and update of the Operation Environmental Management Plan as necessary.

The Plan shall 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 shall not commence until written approval has been received from the Director-General.