

Notice of Modification

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

As delegate of the Minister for Planning, the Planning Assessment Commission modifies the project approval referred to in Schedule 1, subject to the conditions in Schedule 2.

Member of the Commission

Member of the Commission

Sydney

2015

SCHEDULE 1

Project Approval 10_0135, granted by the Planning Assessment Commission, as delegate of the Minister for Planning, on 1 November 2011.

SCHEDULE 2

1. In the Schedule 1 DEFINITIONS, for the definition of 'EA', insert the following after "14 January 2015":
";and
Application to modify the project approval (Mod 2), including additional information submitted to the Department by Infigen on 23 April 2014 and 17 October 2014, the Response to Submissions document dated 10 November 2014 and additional information provided on 5 February 2015"; and
2. Delete condition C4 of Schedule 2, and replace with the following:

Bird and Bat Monitoring

- C4. Prior to the commencement of construction, the Proponent shall prepare a Bird and Bat Adaptive Management Plan, to the satisfaction of the Secretary. The plan must:
- (a) be prepared in consultation with the OEH, by a suitably qualified expert whose appointment has been approved by the Secretary;
 - (b) take into account the monitoring methods in the most recent versions of *AusWEA Best Practice Guidelines for the Implementation of Wind Energy Projects in Australia and Wind Farm and Birds: Interim Standards for Risk Assessment*;
 - (c) include a baseline survey, which identifies the 'at risk' bird and bat species which use the site, paying particular attention to NSW and Commonwealth listed threatened and migratory species;
 - (d) use data collected at Capital 1 and Woodlawn Wind Farm, to take into account the cumulative impacts of the project with these operations;
 - (e) include mitigation measures and strategies to minimise impacts of the project on at risk bird and bat populations;
 - (f) include a monitoring program for at risk bird and bat populations, which includes:
 - monitoring locations, measurement parameters, and monitoring frequency;
 - mortality risk assessments and bird and bat population utilisation surveys;
 - triggers for more intensive monitoring; and
 - triggers for reviewing the monitoring program;
 - (g) evaluate and report on:
 - the results of the monitoring program;
 - the progress and success of the proposed mitigation measures and strategies; and
 - whether additional remedial actions are necessary to address the impacts of the project on threatened bird and bat populations .

The results of the monitoring program must be submitted to the Secretary and OEH annually for the first three years of operation, and if the Secretary determines that further reporting is required, at intervals directed by the Secretary thereafter.

The Proponent shall implement any additional reasonable and feasible mitigation measures, as directed in writing by the Secretary (including temporarily switching off specific turbines, if required), to minimise any significant impacts of the project on threatened bird and bat species.

Note: With the written approval of the Secretary, the Bird and Bat Adaptive Management Plan can be integrated with the similar plan for the Capital 1 Wind Farm.

3. In condition G3, delete “of the project”, and replace with “of any project-related turbine”.

DRAFT