

Development Consent

Section 89E of the *Environmental Planning and Assessment Act 1979*

As delegate for the Minister for Planning, the Planning Assessment Commission of NSW approves the development application referred to in Schedule A, subject to the conditions in Schedules B to H.

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 development.

Member of the Commission Member of the Commission Member of the Commission

Sydney

2015

File No: 10/01492

SCHEDULE A

Application no.:

SSD 6695, MP 10_0034

Proponent:

Crookwell Development Pty Ltd

Consent Authority:

Minister for Planning

Land:

Crookwell 3 South (west of the Goulburn-Crookwell Road) and Crookwell 3 East (east of Woodhouselee Road, as shown in Appendix 1 and all other land on which components of the development will be constructed, as outlined in the application (SSD 6695, MP 10_0034), as amended by this Consent.

State Significant Development:

Crookwell 3 Wind Farm, including:

- up to 28 wind turbine generators, with maximum capacity of 3.4 MW each and associated infrastructure, transformers and switchgears (in kiosks or integrated within the base of the towers or in the nacelles) , access tracks and access roads;
- up to three wind monitoring towers and associated equipment;
- underground electrical and communications cabling linking turbines to each other and then utilising a underground and/or overhead cabling connection between the Crookwell 3 Wind Farm site boundaries and the Crookwell 2 Wind Farm site boundary to reach the substation approved as part of the Crookwell 2 Wind Farm;
- grid connection to the 330kV transmission line via the substation approved as part of the Crookwell 2 Wind Farm; and
- one temporary concrete batching plant for construction only.

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DEFINITIONS

Act, the	<i>Environmental Planning and Assessment Act, 1979.</i>
Ancillary Facility	Temporary facility for construction, including for example an office and amenities compound, construction compound, batch plant (concrete or bitumen), materials storage compound, maintenance workshop, testing laboratory or material stockpile area.
Applicant	Crookwell Development Pty Ltd, or anyone else entitled to act on this Consent.
CEMP	Construction Environmental Management Plan
Conditions of Consent	The Minister's Conditions of Consent for the Development.
Construction	Includes all work in respect of the Development other than: a) survey, acquisitions, building/ road dilapidation surveys; b) investigative drilling, excavation, or salvage; c) minor clearing or translocation of native vegetation; d) establishing ancillary facilities/ construction work sites (in locations meeting the criteria identified in the conditions of consent); e) installation of environmental impact mitigation measures, fencing, enabling works; f) other activities determined by the Environmental Representative to have minimal environmental impact (e.g. minor access roads, minor adjustments to services/ utilities, etc). Note - work where heritage, threatened species, populations or endangered ecological communities would be affected, is classified as construction, unless otherwise approved by the Secretary in consultation with the Office of Environment and Heritage.
Council	Upper Lachlan Shire
Department, the	Department of Planning and Environment
Development / Project	The development that is approved by this development consent and as generally described in Schedule A.
Dust	Any solid material that may become suspended in air or deposited.
EIS	Environmental Impact Statement, titled " <i>Crookwell 3 Wind Farm – Environmental Assessment – Updated to reflect the Draft NSW Wind Farm Planning Guidelines</i> " prepared by Tract Consultants Pty Ltd for the Applicant, and dated July 2012.
EPA	NSW Environment Protection Authority
EPL	Environment Protection Licence, issued under the <i>Protection of the Environment Operations Act 1997</i>
Feasible and Reasonable	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. Where requested by the Secretary, the Applicant shall provide evidence as to how feasible and reasonable measures were considered and taken into account.
Micro-Siting	Means a location allowance of 100 metres radius for Development components as long as impacts remain consistent with that assessed.
Minister, the	Minister for Planning and Environment, or delegate.
Non-associated Receiver	Landowner that has not reached a financial or in kind agreement with the Applicant in relation to the Development.
Operation	Means the operation of the development, but does not include commissioning trials of equipment or temporary use of parts of the development during construction.
PPR and RtS	The Preferred Project Report and Response to Submissions, provided in the report " <i>Preferred Project and Response to Submissions Report - Crookwell 3 Wind Farm, March 2014</i> ".
Public Authority	As defined in Part 1, Section 4 of the <i>Environmental Planning and Assessment Act 1979</i> .
Publicly Available	Available for inspection by a member of the general public (for example available on an internet site or at a display centre).
RFS	NSW Rural Fire Service

RMS	Roads and Maritime Authority
SCA	Sydney Catchment Authority
Secretary, the	Secretary of the Department of Planning and Environment (or delegate).
Secretary's approval, agreement or satisfaction or dispute resolution	A written approval from the Secretary (or delegate) where the Secretary's Approval is required under a condition. Where the Secretary's approval, agreement or satisfaction is required under a condition of this consent, the Secretary would endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Secretary may however ask for additional information if the approval, agreement or satisfaction request is considered incomplete. Note: where any agreement, plan, strategy or program requires the Applicant to consult with a government agency(ies), the Applicant shall endeavour to provide the government agency(ies) with at least one month to provide initial review and feedback (or first and final review and feedback, whichever case is relevant) for that agreement, plan, strategy or program required under this Consent.
Sensitive Receiver	Any non-associated residential dwelling or non-associated receiver, being a residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility.
Site	The land to which this consent applies, as relevant, and shown in Appendix 1.
SSD	State Significant Development under Part 4, Division 4.1 of the <i>Environmental Planning and Assessment Act, 1979</i> and subject to SSD Application 6695 (MP 10_0034).
Statement of Commitments (or SOC)	The Applicant's Statement of Commitments for the carrying out of the Development, as provided in Table 8-1, Section 8 of the PPR and RtS.

SCHEDULE B ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

B1 The Applicant shall implement all reasonable and feasible measures to prevent and/or minimise harm to the environment that may result from the construction, operation or decommissioning of the Development.

TERMS OF CONSENT

B2 The Applicant shall carry out the project generally in accordance with the:

- (a) SSD Application SSD 6695 (MP 10_0034);
- (b) EIS;
- (c) PPR and RtS;
- (d) Statement of Commitments; and the
- (e) Conditions of this Consent.

B3 In the event of an inconsistency between:

- (a) the conditions of this Consent and any document listed from condition B2(a) to B2(d) inclusive, the conditions of this Consent shall prevail to the extent of the inconsistency; and
- (b) any document listed from condition B2(a) to B2(d) inclusive, and any other document listed from condition B2(a) to B2(d) inclusive, the most recent document shall prevail to the extent of the inconsistency.

B4 The Applicant shall comply with the reasonable requirements(s) of the Secretary 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 within these reports, plans or correspondence.

B5 Subject to confidentiality, the Applicant shall make all documents required under this Consent available for public inspection on request.

LIMITS OF CONSENT

B6 The development is modified to limit the scope of the development to the construction of 28 turbines by deleting turbine A18, and the associated access track for A18, from the scope of the development (refer to Appendix 2). This Consent does not authorise the construction of this turbine.

B7 Prior to the commencement of construction, the Applicant shall provide written evidence to the satisfaction of the Secretary that lease agreements with the site landowners have been obtained and that they have adequate provisions to require that decommissioning occurs in accordance with this Consent, and is the responsibility of the Applicant.

B8 Micro-siting of development components is only permitted with the written agreement of the Secretary. For the purposes of this condition the micro-siting of turbines includes any consequent changes to access tracks and electricity reticulation lines.

B9 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 Applicant, unless otherwise agreed by the Secretary. The Applicant shall keep independently-verified annual records of the use of wind turbines for electricity generation. Copies of these records shall be provided to the Secretary upon request. Unless otherwise agreed by the Secretary, the relevant wind turbine and any associated infrastructure is to be dismantled and removed from the site by the Applicant in accordance with the measures contained in Schedule H, within 18 months from the date that the wind turbine was last used to generate electricity.

STATUTORY REQUIREMENTS

- B10 The Applicant shall ensure that all licences, permits, approvals and consents are obtained and maintained as required throughout the life of the development. No Condition of this Consent removes the obligation of the Applicant to obtain, renew or comply with such licences, permits, approvals and consents. The Applicant shall ensure that a copy of this Consent and all relevant environmental approvals and consents are available on the site at all times during the development.

STAGING AND NOTIFICATION

- B11 The Applicant may elect to construct and/ or operate the Development in stages. Where staging is proposed, the Applicant shall submit a **Staging Report** to the Secretary prior to the commencement of the first proposed stage. The Staging Report shall provide details of:

- a) how the Development would be staged, including general details of work activities associated with each stage and the general timing of when each stage would commence; and
- b) details of the relevant Conditions of Consent, which would apply to each stage and how these shall be complied with across and between the stages of the Development.

Where staging of the Development is proposed, these Conditions of Consent are only required to be complied with at the relevant time and to the extent that they are relevant to the specific stage(s). However, nothing in this condition allows submission of the Bird and Bat Adaptive Management Programme, as required by condition C14, to be staged.

The Applicant shall ensure that an updated Staging Report (or advice that no changes to staging are proposed) is submitted to the Secretary prior to the commencement of each stage, identifying any changes to the proposed staging or applicable conditions.

- B12 The Applicant shall ensure that all plans, sub-plans and other management documents required by the conditions of this Consent and relevant to each stage (as identified in the Staging Report) are submitted to the Secretary no later than one month prior to the commencement of the relevant stages, unless otherwise agreed by the Secretary.

Note: These conditions do not relate to staged development within the meaning of section 83B of the Act.

COMPLIANCE

- B13 The Applicant shall make all reasonable and feasible efforts to ensure that employees, contractors and sub-contractors are aware of, and comply with, the conditions of this Consent relevant to their respective activities.
- B14 The Applicant shall be responsible for environmental impacts resulting from the actions of all persons that it invites onto the site, including contractors, sub-contractors and visitors.
- B15 In the event of a dispute between the Applicant and a Public Authority, in relation to an applicable requirement in this Consent or relevant matter relating to the Development, either party may refer the matter to the Secretary for resolution. The Secretary's determination of any such dispute shall be final and binding on the parties.
- B16 The Applicant shall:
- (a) prior to the commencement of works on site, commission a set-out survey to mark the location of each component of the development to be constructed, in accordance with the locations in this Consent as modified by condition B8; and
 - (b) prior to commissioning of each component, submit a works as executed survey report verifying compliance with the locations in this Consent, to the Secretary, and Upper Lachlan Shire Council,
- to the satisfaction of the Secretary.
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SCHEDULE C

ENVIRONMENTAL PERFORMANCE

VISUAL AMENITY

- C1 The Applicant shall, at the request of any owners of non-associated residential dwellings or businesses, and receiver 80a (Church, potential future residential), with views of a turbine(s) located within 6 kilometres of their dwellings (excluding those dwellings with nil impacts as identified in Table 16 of Appendix 6 of the EIS), provide and bear the full cost of reasonable landscaping treatments to visually screen these dwellings. The landscaping treatments apply to those areas from where there are views of the turbines. The Applicant must formally write to each of these owners within 3 months of obtaining Development Consent with respect to their right to make such a request. Such a request may be made in writing by the owner of the dwelling or business within 6 months from the commencement of operation of the project, and landscaping treatments agreed between the parties must be implemented and completed within 12 months of such an agreement. Should the parties not be able to reach agreement on the scope of landscaping treatments, then either party may refer the matter to the Secretary for resolution. The Secretary's decision on such a referral shall be final and binding on the parties.
- C2 The Applicant must ensure all residents, business owners or public authority, whose dwelling, business or public area respectively, may be subject to either moderate or high visual impact (cumulative and/or individual Crookwell 3), as defined in the EIS and PPR and RtS, are consulted regarding impact minimisation measures and the outcomes of this consultation process should be used to inform the Design and Landscaping Plan, required under condition E25 (b) of this Consent.

Turbine and Associated Infrastructure External Design

- C3 The WTGs shall be painted matt off-white/grey. The blades shall be finished with a surface treatment that minimises any potential for glare or reflection.
- C4 No advertising, signs or logos shall be mounted on the turbines, except where required for safety purposes.
- C5 The Applicant shall maximise the use of building materials and treatments for associated infrastructure which visually complement the surrounding environment.

Night Lighting

- C6 With the exception of aviation obstacle hazard lighting implemented in accordance with the requirements of this condition, and temporary night lighting for scheduled or emergency maintenance work, no external lighting other than low intensity security night lighting and/or low intensity flood lighting within the site compounds is permitted on site during operation, unless otherwise agreed or directed by the Secretary, or required by the Civil Aviation Safety Authority.

Prior to the commencement of construction, the Applicant shall consult with the Civil Aviation Safety Authority on the need for aviation hazard lighting in relation to the wind turbines. If required, any aviation hazard lighting shall be implemented in a manner that minimises visual intrusion to surrounding non-associated receivers as far as reasonable and feasible.

Shadow Flicker

- C7 Shadow flicker from the project must not exceed 30 hours/annum at any non-associated residence.

BIODIVERSITY

- C8 Any works associated with the development within or immediately surrounding the vicinity of First Creek that would provide suitable habitat for the endangered Booroolong Frog (*Litoria booroolongensis*), as outlined in section 5.2 of Appendix 2 of the Supplementary Ecology Report (dated April 2013), as appended to the document listed under condition B2 (c) of this Consent, is to only occur outside the breeding season for this species.
- C9 The Applicant shall ensure the construction of the development avoids the removal of any Hollow Bearing Trees within or immediately surrounding the development area of Turbine A12. The Flora and Fauna Management Plan required under condition E25 (d) of this Consent shall also identify the distances from Turbine A12 to the closest Hollow Bearing Trees to ascertain adequate setbacks to avoid significant impacts on fauna utilising those trees during the development's operation.

Detailed Design and Micro-Siting

- C10 All feasible and reasonable effort shall be made to locate wind turbines at least 60 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.
- C11 Where micro-siting is proposed, the Applicant shall identify the final development components in the CEMP, and demonstrate how those locations will not give rise to increased landscape, ecological, cultural heritage, visual amenity, shadow flicker, noise, fire risk or aviation impacts when compared with the approved locations.
- C12 All feasible and reasonable effort shall be made to avoid native vegetation disturbance (including clearing of hollow bearing trees) during micro-siting and construction of the development so as to reduce as far as possible the extent of vegetation disturbance required for the development.

Biodiversity Offset Package

- C13 The Applicant shall develop and submit for the approval of the Secretary, a Biodiversity Offset Package (the Package). The Package shall be developed in consultation with OEH and shall:
- (a) identify the objectives and outcomes to be met by the Biodiversity Offset Package;
 - (b) consider the biodiversity management measures or activities identified in the documents set out in condition B2 and elsewhere in these Conditions of Consent, including:
 - i. relevant construction measures to reduce flora and fauna impacts; and
 - ii. any ongoing biodiversity or threatened species monitoring requirements.
 - (c) provide details of available compensatory habitat in the region to offset any loss of Silvertop Ash Open Forest and its Derived Native Grassland, Red Stringybark Open Forest and its Derived Native Grassland and Box Gum Woodland Derived Native Grassland, including any other native grasslands and habitat for threatened fauna species, as a result of the development. Where possible, this should include purchase of land, development of agreements with identified land management authorities for long term management and funding of offsets and mitigation measures, and installation of identified mitigation measures;
 - (d) describe the methodology used to develop the Package, including the decision-making framework used in selecting the priority ranking of compensatory habitat options available in the region;
 - (e) include an offset for direct and indirect impacts of the development which may maintain or improve biodiversity values;
 - (f) describe the size and quality of the habitat/vegetation communities identified in point e);
 - (g) detail the final suite of biodiversity offset measures selected in accordance with the Package; and
 - (h) include a program (timeline) to achieve the implementation of the final suite of measures.

Unless otherwise agreed by the Secretary, the Biodiversity Offset Package shall be submitted to the Secretary for approval, and approval obtained, prior to the commencement of any construction works.

Bird and Bat Monitoring and Management

- C14 Prior to the commencement of construction, the Applicant must prepare and submit for the approval of the Secretary a **Bird and Bat Adaptive Management Programme**, 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, and any cumulative impacts with the Crookwell I and/or Crookwell II Wind Farms, as relevant. The Program shall be implemented by a suitably qualified expert, approved by the Secretary and be prepared in consultation with OEH. The Program shall incorporate **Monitoring and a Decision Matrix** that clearly sets out the objectives of the Program and how the Applicant will respond to the outcomes of monitoring. It must:
- (a) incorporate an ongoing role for the suitably qualified expert;
 - (b) set out monitoring requirements in order to assess the impact of the development on bird and bat populations, including details on survey locations, parameters to be measured, frequency of surveys and analyses and reporting. The monitoring program must be capable of detecting any changes to the population of birds and/ or bats that can reasonably be attributed to the operation of the development, as such, baseline data over one (1) full year before construction are required to be collected. The requirements must also account for natural and human changes to the surrounding environment, including the existing Crookwell Wind Farm, that might influence bird and/ or bat behaviour such as changes in land use practices;
 - (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 such as the White-fronted Chat, the Little Eagle, the Eastern Bentwing Bat, the Eastern False Pipistrelle, the Regent Honeyeater and the Swift Parrot, and include monthly mortality assessments and periodic local population censuses and bird utilisation surveys;

- (e) identify reasonable and feasible mitigation measures and implementation strategies in order to reduce impacts on birds and bats such as minimising the availability of raptor perches, swift carcass removal, pest control including rabbits, use of deterrents, and sector management including switching off turbines that are predicted to or have had an unacceptable impact on bird/ bat mortality at certain times; and
- (f) identify matters to be addressed in periodic reports in relation to the outcomes of monitoring, the application of the decision making framework, the need for mitigation measures, progress with implementation of such measures, and their success.

The Reports referred to under part (f) shall be submitted to the Secretary on an annual basis, from the commencement of operation, and shall be prepared within two months of the end of the reporting period. The Secretary may vary the reporting requirement or period by notice in writing to the Applicant.

The Applicant 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 Secretary.

The Decision Matrix is to include a definition for what is considered as an “unacceptable impact”, which is to be agreed to by OEH.

WATER QUALITY IMPACTS

- C15 Except as may be expressly provided by an Environment Protection Licence for the development, the Applicant shall comply with section 120 of the *Protection of the Environment Operations Act 1997*, which prohibits the pollution of waters.
- C16 Waterway crossings shall be developed and constructed in consultation with NOW and DPI (Fisheries) and be consistent with DPI (Fisheries) guidelines, *Policy and Guidelines for Fish Friendly Waterway Crossings* (2004) and *Why Do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings* (2004) and *Controlled Activity Guidelines* (NSW Office of Water, 2012).

HAZARDS AND RISKS

- C17 Dangerous goods, as defined by the Australian Dangerous Goods Code, shall be stored and handled in accordance with:
 - (a) all relevant Australian Standards;
 - (b) for liquids, a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and
 - (c) the *Environment Protection Manual for Authorised Officers: Bunding and Spill Management, technical bulletin* (Environment Protection Authority, 1997).

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

Aviation Obstacles and Hazards

- C18 Prior to the commencement of construction, the Applicant shall consult with:
 - (a) aerodrome operators that have an aerodrome located within 30 kilometres of the boundaries of the development site, to determine any impact on Obstacle Limitation Surfaces at such aerodromes;
 - (b) AirServices Australia, to determine potential impacts on instrument approach procedures at aerodromes, navigational aids, communications and surveillance facilities;
 - (c) Aerial Agriculture Association Australia, to determine potential hazards to aerial application and related operations; and
 - (d) NSW Rural Fire Service, to determine potential hazards to the aerial fighting of fires.

Feasible and reasonable mitigation and management measures for each of the potential impacts and hazards identified, shall be determined in consultation with the respective groups identified in this condition, prior to the commencement of construction.

- C19 Prior to the commencement of construction and operation, the Applicant shall provide the following information to the Civil Aviation Safety Authority, Airservices Australia, Royal Australian Air Force - Aeronautical Information Service (RAAF AIS), the Aerial Agricultural Association of Australia, Rural Fire Service, as well as all known users of privately owned local airfields:
 - (a) “as constructed” coordinates in latitude and longitude of each wind turbine generator;
 - (b) final height of each wind turbine generator in Australian Height Datum; and
 - (c) ground level at the base of each wind turbine generator in Australian Height Datum.

- C20 The Applicant shall consult with all local aerial agricultural stakeholders to develop a strategy to minimise any aerial agricultural impacts. Should increases to the costs of aerial agricultural spraying on any non-associated property surrounding the site be attributable to the operation of the Development, the Applicant shall fully fund to the affected landowner, the reasonable cost difference between pre-construction aerial agricultural spraying and the increased cost (to the extent reasonably caused or contributed to by the development), as agreed between the relevant parties.

Bushfire Risk

- C21 The Applicant shall ensure that all Development 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*) and provide for necessary emergency management including appropriate fire-fighting equipment and water supplies on site to respond to a bush fire.
- C22 A 10 metre Asset protection Zone (APZ) shall be provided to the standard of an inner protection area around structures, buildings and associated infrastructure such as access roads, power and other services to the site and associated fencing.
- C23 Sufficient water storage (determined in consultation with the Rural Fire Service) shall be provided for firefighting purposes.
- C24 Throughout the construction and operational life of the Development, the Applicant shall regularly consult with the local RFS about details of the Development, including the construction timetable, the final location of all infrastructure on the site and contact information. The Proponent shall comply with any reasonable request of the local RFS to reduce the risk of bushfire, minimise impacts on bushfire fighting operations and to enable fast access in emergencies.

Radio Communication

- C25 Prior to the commencement of construction, the Applicant 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 development) arise as a result of the development, the Applicant 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 Applicant;
 - (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.

HERITAGE

Indigenous Heritage

- C26 Prior to the commencement of construction, mitigation and/or management strategies must be developed and implemented for Sites 1 to 10 identified in Table 23 of Chapter 19 of the EIS, and Sites WF1 to WF16 and WF1PAD, WF2PAD and WF3PAD, identified in the report titled *Crookwell 3 Wind Farm: Supplementary Aboriginal and Historical Cultural Heritage Assessment*, dated February 2014, at Appendix 4 of the PPR and RtS. These strategies must be detailed in the CEMP required under condition E25 (e) of this Consent.
- C27 Prior to the commencement of construction, the Applicant shall provide OEH with GPS coordinates, AHIMS site numbers and AHIMS site cards, for all Indigenous heritage sites recorded in the EIS and Appendix 4 of the PPR and RtS.

PROPERTY IMPACTS

Crown Land

C28 Prior to the commencement of construction of the development, the Applicant shall consult with and comply with the requirements of the NSW Crown Lands Division in relation to any Crown land affected by the development to enable the lawful use of that land by the development.

Trigonometric Reserves

C29 Disturbance to Trigonometric Reserves shall be avoided during the life of the development, unless otherwise approved by the Surveyor General and the relevant licence under the *Crown Lands Act 1989* is obtained by the Applicant.

Mineral Resources

C30 Prior to the commencement of relevant construction works, the Applicant shall consult with the Department of Trade & Investment, Regional Infrastructure & Services (Mineral Resources section) and mineral exploration licence holder ABX2 Pty Ltd, with respect to the placement of turbines and related infrastructure and their potential impact upon mineral resources.

TRAFFIC AND TRANSPORT

C31 Only one access point for the Crookwell 3 South site to Crookwell Road is permitted (Option 1: the 'Preferred Access' to the north of the subject site, described as connecting to the Old Crookwell Road easement identified in the EIS).

C32 All access to Lot 3 DP588100 and Lot 8 DP252214 must be via a "Right of Way" legally certified on the titles of the burdened lots prior to an occupation certificate being issued by way of a Section 88B Instrument under the *Conveyancing Act, 1919*.

UTILITIES AND SERVICES

C33 Utilities, services and other infrastructure potentially affected by construction and operation shall be identified prior to construction to determine requirements for access to, diversion, protection, and/or support. Consultation with the relevant owner and/or provider of services that are likely to be affected by the Development shall be undertaken to make suitable reasonable and feasible arrangements for access to, diversion, protection, and/or support of the affected infrastructure as required. The cost of any such arrangements shall be borne by the Applicant.

WASTE GENERATION AND MANAGEMENT

C34 The Applicant 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.

C35 The Applicant shall maximise the reuse and / or recycling of waste materials generated on site by the development, to minimise the need for treatment or disposal of those materials outside the site.

C36 The Applicant shall ensure that no green waste associated with the development is burnt on site during the life of the development.

C37 The Applicant shall ensure that all liquid and / or non-liquid waste generated on the site by the development 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.

SCHEDULE D COMMUNITY INFORMATION, REPORTING AND AUDITING

COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

Community Consultative Committee

- D1 The Applicant shall continue operation of the **Community Consultative Committee** for the life of the Development, unless otherwise agreed by the Secretary. The Applicant shall ensure the Committee is active 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 Secretary.

Complaints and Enquiries Procedure

- D2 Prior to the commencement of construction, or as otherwise agreed by the Secretary, the Applicant shall ensure that the following are available for community enquiries and complaints for the life of the Development (including construction and operation) or as otherwise agreed by the Secretary:
- (a) a 24-hour telephone number(s) on which complaints and enquires about the Development 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 enquires 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 of the Development 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 Consent.

- D3 Prior to the commencement of construction, or as otherwise agreed by the Secretary, the Applicant shall prepare and implement a Complaints Management System consistent with AS 4269: Complaints Handling and maintain the System for the life of the development.

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 construction compliance reports required by this Consent. The information contained within the System shall be made available to the Secretary on request.

Provision of Electronic Information

- D4 Prior to the commencement of construction, or as otherwise agreed by the Secretary, the Applicant shall establish and maintain a new website, or dedicated pages within an existing website, for the provision of electronic information associated with the development, for the life of the development. The Applicant 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 development;
 - (b) a copy of the documents referred to under condition B2 of this Consent, and any documentation supporting modifications to this Consent that may be granted;
 - (c) a copy of this Consent and any future modification to this Consent;
 - (d) a copy of each relevant environmental Consent, licence or permit required and obtained in relation to the development;
 - (e) a copy of each current strategy, plan, programme or other document required under this Consent;
 - (f) the outcomes of compliance tracking in accordance with Condition D5 of this Consent; and
 - (g) details of contact point(s) to which community complaints and enquiries may be directed, including a telephone number, a postal address and an email address.

COMPLIANCE MONITORING AND TRACKING

Compliance Tracking Program

- D5 The Applicant shall develop and implement a Compliance Tracking Program to track compliance with the requirements of this Consent. The Program shall be submitted to the Secretary for approval prior to the commencement of construction and operate for the life of the Development. The Program shall include, but not necessarily be limited to:
- (a) provisions for the notification of the Secretary prior to the commencement of construction and prior to the commencement of operation of the Development (including prior to each stage, where works are being staged);
 - (b) provisions for periodic review of the compliance status of the Development against the requirements of this Consent;
 - (c) provisions for periodic reporting of compliance status to the Secretary, including a Pre-Construction Compliance Report, during construction reporting, and a Pre-Operation Compliance Report;
 - (d) a programme for independent environmental auditing in accordance with *AS/NZ ISO 19011:2003 - Guidelines for Quality and/or Environmental Management Systems Auditing*;
 - (e) mechanisms for recording environmental incidents during construction and operation, and actions taken in response to those incidents;
 - (f) provisions for reporting environmental incidents to the Secretary and relevant public authorities (including Upper Lachlan Shire Council) during construction and for the life of the Development;
 - (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 Consent relevant to their respective activities.

Incident Reporting

- D6 The Applicant shall immediately notify the Secretary and any other relevant agencies of any incident it has become aware of, that has caused or threatens to cause material harm to the environment. For any other incident associated with the development, the Applicant shall notify the Secretary and any other relevant agencies as soon as practicable after the Applicant becomes aware of the incident. The Applicant shall provide full written details of the incident to the Secretary within seven days of the date on which the incident occurred, and such further reports as may be requested.
- D7 The Applicant shall meet the requirements of the Secretary to address the cause(s) or impact of any incident, as it relates to this Consent, reported in accordance with condition D6 of this Consent, within such period as the Secretary may require.

Independent Environmental Audit

- D8 The Applicant shall commission and pay the full cost of Independent Environmental Audits of the development. Audits are to be conducted periodically throughout the construction and operation of the development, or as otherwise specified by the Secretary. The audits must:
- (a) be conducted from the commencement of onsite works and every 6 months thereafter throughout the construction period;
 - (b) be conducted with 2 months of the commencement of operations and after the first year of operations and as required by the Secretary thereafter;
 - (c) be conducted by a suitably qualified, experienced and independent expert(s) whose appointment has been endorsed by the Secretary;
 - (d) include consultation with the relevant agencies;
 - (e) assess the environmental performance of the development and assess whether it is complying with the requirements in this Consent and any other licences or approvals that apply to the development (including any assessment, strategy, plan or programme required under these approvals);
 - (f) review the adequacy of any approved strategy, plan or programme required under the abovementioned Consents;
 - (g) review any complaints received and the handling and responses to complaints; and
 - (h) recommend measures or actions to improve the environmental performance of the development and/or any strategy, plan or programme required under these Consents, as relevant.

Note: This audits must be led by a suitably qualified auditor and include experts in any fields specified by the Secretary.

- D9 Within 3 months of commissioning each audit, or as otherwise agreed by the Secretary, the Applicant shall submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report. The audits shall also be provided to Upper Lachlan Shire Council and be made publicly available on the website (in accordance with condition D4).

SCHEDULE E CONSTRUCTION ENVIRONMENTAL MANAGEMENT

DUST GENERATION

- E1 The Applicant shall construct and operate the Development in a manner that minimises dust generation from the site, including wind-blown and traffic-generated dust as far as practicable. All Development 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 Development occur during construction and operation, the Applicant shall identify and implement all practicable dust mitigation measures, including cessation of relevant works, as appropriate, such that emissions of visible dust cease.

NOISE AND VIBRATION

Construction Hours

- E2. Construction activities associated with the development shall be undertaken during the following standard construction hours:
- (a) 7:00am to 6:00pm Mondays to Fridays;
 - (b) 8:00am to 1:00pm Saturdays; and
 - (c) at no time on Sundays or public holidays.
- E3. Construction works outside of the standard construction hours identified in condition E2 may be undertaken in the following circumstances:
- (a) construction works that generate noise that is:
 - (i) no more than 5 dB(A) above rating background level at any residence in accordance with the *Interim Construction Noise Guideline* (DECC, 2009); and
 - (ii) no more than the noise management levels specified in Table 3 of the *Interim Construction Noise Guideline* (DECC, 2009) at other sensitive receivers; or
 - (b) for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; or
 - (c) where it is required in an emergency to avoid the loss of lives, property and / or to prevent environmental harm; or
 - (d) works approved through an EPL; or
 - (e) works as approved through the out-of-hours work protocol outlined in the Construction Noise and Vibration Management Plan required under condition E25 (c) of this Consent.
- E4. Except as expressly permitted by an EPL, activities resulting in impulsive or tonal noise emission (such as rock breaking, rock hammering, pile driving) shall only be undertaken:
- (a) between the hours of 8:00 am to 5:00 pm Monday to Friday;
 - (b) between the hours of 8:00 am to 1:00 pm Saturday; and
 - (c) in continuous blocks not exceeding three hours each with a minimum respite from those activities and works of not less than one hour between each block.

For the purposes of this condition 'continuous' includes any period during which there is less than a one hour respite between ceasing and recommencing any of the work the subject of this condition.

Construction Noise and Vibration

- E5. The development shall be constructed with the aim of achieving the construction noise management levels detailed in the *Interim Construction Noise Guideline* (DECC, 2009). All feasible and reasonable noise mitigation measures shall be implemented and any activities that could exceed the construction noise management levels shall be identified and managed in accordance with the Construction Noise and Vibration Management Plan required under condition E25 (c).
- Note: The Interim Construction Noise Guideline identifies 'particularly annoying' activities that require the addition of 5dB(A) to the predicted level before comparing to the construction noise management levels.*
- E6. The development shall be constructed with the aim of achieving the following construction vibration goals:
- (a) for structural damage, the vibration limits set out in the German Standard *DIN 4150-3: Structural Vibration - effects of vibration on structures*; and
 - (b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: A Technical Guideline* (DEC, 2006).

- E7. Airblast overpressure generated by blasting associated with the development shall not exceed the criteria specified in Table E1 when measured at the most affected residence or other sensitive receiver.

Table E1- Airblast overpressure criteria

Airblast overpressure (dB(Lin Peak))	Allowable exceedance
115	5% of total number of blasts over a 12 month period
120	0%

- E8. Ground vibration generated by blasting associated with the development shall not exceed the criteria specified in Table E2 when measured at the most affected residence or other sensitive receiver.

Table E2 – 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	0%

- E9. Prior to each blasting event, the Applicant shall notify Upper Lachlan Shire Council and potentially-affected landowners, including details of time and location of the blasting event and providing a contact point for inquiries and complaints.

PROPERTY IMPACTS

- E10. Access to private property shall be maintained during construction unless otherwise agreed with the affected property owner in advance. Access that is physically affected by the development shall be reinstated by the Applicant to at least an equivalent standard, in consultation with the affected property owner.
- E11. Any damage caused to property as a result of the development shall be rectified or the property owner compensated, within a reasonable timeframe, with the costs borne by the Applicant.

SOIL, WATER QUALITY AND HYDROLOGY

Construction Soil and Water Management

- E12. Soil and water management measures consistent with *Managing Urban Stormwater - Soils and Construction Vols 1 and 2, 4th Edition* (Landcom, 2004) shall be employed during the construction of the development to minimise soil erosion and the discharge of sediment and other pollutants to land and / or waters.
- E13. Where available, and of appropriate chemical and biological quality, and as reasonable and feasible, stormwater, recycled water or other water sources shall be used in preference to potable water for construction activities, including concrete mixing and dust control.
- E14. Construction activities within 40 metres of any watercourses, shall be consistent with the *Controlled Activity Guidelines* (NSW Office of Water, 2012) including, but not limited to, 'In-stream Works', 'Outlet Structures', 'Riparian Corridors', 'Vegetation Management Plans', and 'Watercourse Crossings', or any guidelines which supersede these documents.
- E15. If rock anchoring is selected for wind tower foundations a groundwater assessment is to be undertaken and endorsed in consultation with the NSW Office of Water prior to construction. The assessment is to include the risk of impact on existing licenced groundwater uses and groundwater dependent ecosystems, and is to provide suitable mitigation measures. Any necessary licencing requirements under the *Water Management Act 2000* will also need to be obtained.

TRAFFIC AND TRANSPORT

- E16. Prior to any construction access, the Applicant shall upgrade the junction of the access driveway and Crookwell Road to be a sealed Type Basic Left Turn Treatment (BAL) together with a sealed Basic Right Turn Treatment (BAR) in accordance with Austroads Guide to Road Design – Part 4a: Unsignalised and Signalised Intersections. The access shall be sealed a minimum distance of 10 metres back from the edge of seal. These works are to be at full cost to the Applicant.
- E17. All roadworks on classified roads shall be designed in accordance with *Austroads Guide to Road Design – Part 4a: Unsignalised and Signalised Intersections* and *Austroads Guide to Road Design - Part 4: Intersections and Crossings General* and Road and Maritime Services supplements, as relevant.
- E18. Unless otherwise agreed by the Secretary, the Applicant shall commission an independent, qualified person(s) to undertake the following in consultation with the relevant road authority:
- (a) 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 construction to determine whether the existing road condition can accommodate the proposed over-mass and / or over-dimensional haulage associated with the development;
 - (b) where improvements or changes to the proposed route are required to accommodate the proposed over-mass and / or over-dimensional haulage associated with the development, the Applicant shall implement these in consultation with the relevant road authority, prior to the commencement of construction and at the full expense of the Applicant.

Road Dilapidation Report

- E19. Upon determining the haulage route(s) for construction vehicles associated with the development, and following the completion of any road upgrades required under condition E18, and prior to construction, the Applicant shall undertake a **Road Dilapidation Report** of the road(s) within the Upper Lachlan Shire and Goulburn Mulwaree Local Government Areas. 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 construction of the development, to the satisfaction of the relevant road authority. The Report shall be submitted to the relevant road authority for review prior to the commencement of haulage.

Road Repair

- E20. The Applicant shall repair all damage to roads caused by the construction of the development. Measures undertaken to restore or reinstate roads affected by the development shall be undertaken in accordance with the reasonable requirements of the relevant road authority (including timing requirements), and at the full expense of the Applicant. Within three months of completion of construction:
- (a) the Applicant shall undertake gravel re-sheeting to a minimum depth of 80 mm on all gravel roads used for access during construction, that are damaged as a result of that use. Works shall be completed in accordance with *Roads and Maritime Services Specification M220*; and
 - (b) a Report shall be prepared to assess any damage to sealed roads that may have resulted from the construction of the development (including mechanisms to restore any damage) and submitted to the relevant road authority for review.

ANCILLARY FACILITIES

- E21. Unless otherwise approved by the Secretary, the location of Ancillary Facilities shall:
- (a) be located more than 50 metres from a waterway;
 - (b) be located within or adjacent to the development;
 - (c) have ready access to the road network;
 - (d) be located to minimise the need for heavy vehicles to travel through residential areas;
 - (e) be sited on relatively level land;
 - (f) be separated from nearest residences by at least 200 metres;
 - (g) not require vegetation clearing beyond that already required by the development;
 - (h) not impact on heritage sites (including areas of archaeological sensitivity) beyond those already potentially impacted by the development;
 - (i) not unreasonably affect the land use of adjacent properties;
 - (j) be above the 20 ARI flood level unless a contingency plan to manage flooding is prepared and implemented; and
 - (k) provide sufficient area for the storage of raw materials to minimise, to the greatest extent practical, the number of deliveries required outside standard construction hours.

The location of the Ancillary Facilities shall be identified in the Construction Environmental Management Plan required under condition E24 and include consideration of the above criteria. Where the above criteria cannot be met for any proposed Ancillary Facility, the Applicant shall demonstrate to the satisfaction of the Secretary that there will be no significant adverse impact from that facility's construction or operation. Such assessment(s) can be submitted separately or as part of the Construction Environmental Management Plan.

- E22. All construction ancillary facility sites shall be rehabilitated to at least their pre-construction condition, unless otherwise agreed by the affected landowner.

ENVIRONMENTAL REPRESENTATIVE

- E23. Prior to the commencement of construction of the development, or as otherwise agreed by the Secretary, the Applicant shall nominate for the approval of the Secretary a suitably qualified and experienced Environmental Representative(s) that is independent of the design, construction and operation personnel. The Applicant shall employ the Environmental Representative(s) for the duration of construction and operation, or as otherwise agreed by the Secretary. The Environmental Representative(s) shall:
- (a) be the principal point of advice in relation to the environmental performance of the development;
 - (b) monitor the implementation of environmental management plans and monitoring programmes required under this and advise the Applicant upon the achievement of these plans / programmes;
 - (c) have responsibility for considering and advising the Applicant on matters specified in the Conditions of this Consent, and other licences and approvals related to the environmental performance and impacts of the development;
 - (d) ensure that environmental auditing is undertaken in accordance with the Applicant's Environmental Management System(s);
 - (e) be given the authority to approve / reject minor amendments to the Construction Environmental Management Plan. What constitutes a "minor" amendment shall be clearly explained in the Construction Environmental Management Plan required under condition E24;
 - (f) be given the authority and independence to require reasonable and feasible steps be taken to avoid or minimise unintended or adverse environmental impacts, and failing the effectiveness of such steps, to direct that relevant actions be ceased immediately should an adverse impact on the environment be likely to occur; and
 - (g) be consulted in responding to the community concerning the environmental performance (inclusive of construction and operation) of the development where the resolution of points of conflict between the Applicant and the community is required.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- E24. The Applicant shall prepare and implement a **Construction Environmental Management Plan (CEMP)** for the Development in accordance with the *Guideline for the Preparation of Environmental Management Plans* (Department of Infrastructure, Planning and Natural Resources 2004). No construction associated with the Development shall commence until written approval of this plan has been received from the Secretary or her nominee. The Plan must:
- (a) be submitted to the Secretary for approval no later than one (1) month prior to the commencement of construction or within such period otherwise agreed by the Secretary;
 - (b) describe all activities to be undertaken on the site during construction of the Development, including clear indication of construction stages;
 - (c) outline all environmental management practices and procedures to be followed during construction works;
 - (d) details of measures to be taken to minimise and manage risks of the turbine structures igniting a fire, such as lightning protection devices and monitoring and control systems for switching off of turbines due to exceedances in threshold temperatures;
 - (e) provisions for adequate fire protection and fire suppression works on site during construction and operation in consultation with the NSW Rural Fire Service;
 - (f) measures to ensure that all dangerous goods and materials stored on site are stored in accordance with the relevant Australian Standards;
 - (g) detail how the environmental performance of the construction works will be monitored, and what actions will be taken to address identified adverse environmental impacts;
 - (h) describe the roles and responsibilities of all relevant employees involved in the construction works associated with the Development; and
 - (i) include the following sub-plans, as relevant:
 - (i) a Compound and Ancillary Facilities Management Plan;
 - (ii) a Design and Landscaping Plan;
 - (iii) a Noise and Vibration Management Plan;
 - (iv) a Flora and Fauna Management Plan;

- (v) a Heritage Management Plan;
- (vi) a Traffic Management Protocol;
- (vii) a Soil and Water Quality Management Plan;
- (viii) an Air Quality Management Plan;
- (ix) Bushfire Management Plan; and
- (x) an Obstacle Marking and Lighting plan.

Note: The approval of a Construction Environmental Management Plan does not relieve the Applicant of any other requirement associated with this Development Consent. If there is an inconsistency with an approved Construction Environmental Management Plan and the conditions of this Development Consent, the requirements of this Development Consent prevail.

E25. As part of the Construction Environmental Management Plan for the Development required under condition E22 of this Consent, the Applicant shall prepare and implement a:

- (a) a **Construction Compound and Ancillary Facilities Management Plan** to detail the management of construction ancillary facilities associated with the development. The Plan shall include but not be limited to:
 - (i) a description of the facility, its components and the surrounding environment;
 - (ii) details of the activities to be carried out at each facility, including the hours of use and the storage of dangerous and hazardous goods;
 - (iii) an assessment against the locational criteria outlined in condition E21;
 - (iv) details of the proposed mitigation and management procedures specific to the facility that would be implemented to minimise environmental and amenity impacts, and an assessment of the adequacy of the mitigation or offsetting measures;
 - (v) identification of the timing for the completion of activities at the facility and how the site will be decommissioned (including any necessary rehabilitation); and
 - (vi) mechanisms for the monitoring, review and amendment of this Plan.
- (b) a **Design and Landscaping Plan**, developed in consultation with residential receivers identified to be moderately and highly impacted, as outlined in the EIS and PPR/RtS, and to detail the landscape screening measures at the residences and businesses situated in close proximity to the project site and along roadsides to screen potential moderate to significant views of the project (cumulative and/or Crookwell 3). The Plan must be prepared by a qualified landscape architect and where relevant meet the requirements of Council and the local roads authority. The Plan must include design treatments for the WTGs and ancillary infrastructure, detailing:
 - (i) landscape elements and built elements, including proposed treatments, finishes and materials of exposed surfaces (including colour specifications);
 - (ii) lighting;
 - (iii) a schedule of species to be used in landscaping;
 - (iv) details of the timing and progressive implementation of landscape works; and
 - (v) procedures and methods to monitor and maintain landscaped areas.
- (c) a **Construction Noise and Vibration Management Plan** to detail how construction noise and vibration impacts will be minimised and managed. The Plan shall be consistent with the guidelines contained in the *Interim Construction Noise Guidelines* (DECC, 2009) and shall include, but not be limited to:
 - i. identification of sensitive receivers and relevant construction noise and vibration goals applicable to the development stipulated in this Consent;
 - ii. details of construction activities, including construction traffic, and an indicative schedule for construction works, considering other construction activities likely to occur at the same time within the vicinity of the development site (e.g. Crookwell 2 Wind Farm), including the identification of key noise and / or vibration generating construction activities (based on representative construction scenarios, including at ancillary facilities) that have the potential to generate noise and / or vibration impacts on surrounding sensitive receivers;
 - iii. identification of feasible and reasonable measures proposed to be implemented to minimise and manage construction noise and vibration impacts (including construction traffic noise impacts);
 - iv. procedures and mitigation measures to ensure relevant vibration and blasting criteria are achieved, including a suitable blast programme, applicable buffer distances for vibration intensive works, use of low-vibration generating equipment / vibration dampeners or alternative construction methodology, and pre- and post- construction dilapidation surveys of sensitive structures where blasting and / or vibration is likely to result in damage to buildings and structures (including surveys being undertaken immediately following a monitored exceedance of the criteria);
 - v. a description of how the effectiveness of these actions and measures would be monitored during the proposed works, clearly indicating how often this monitoring would be conducted, the locations

- where monitoring would take place, how the results of this monitoring would be recorded and reported, and, if any exceedance is detected, how any non-compliance would be rectified;
- vi. an out-of-hours work (OOHW) protocol for the assessment, management and approval of works outside of standard construction hours as defined in condition E2, including a risk assessment process under which an Environmental Representative may approve out-of-hour construction activities deemed to be of low environmental risk and refer high risk works for the Secretary's approval. The OOHW protocol shall detail standard assessment, mitigation and notification requirements for high and low risk out-of-hour works, and detail a standard protocol for referring applications to the Secretary; and
 - vii. mechanisms for the monitoring, review and amendment of this Plan.
- (d) a **Construction Flora and Fauna Management Plan**, developed in consultation with OEH, to outline measures to protect and minimise loss of native vegetation and native fauna habitat as a result of construction of the development. The Plan shall include, but not necessarily be limited to:
- (i) plans showing vegetation communities; important flora and fauna habitat areas; location of EECs, including all native vegetation; and areas to be cleared;
 - (ii) methods to manage impacts on flora and fauna species and their habitat which may be directly or indirectly affected by the development, including the area in which Little Eagle nests were identified in proximity to turbines A27 and A32, such as location of fencing, procedures for vegetation clearing or soil removal/stockpiling; consideration of alternatives to the crossing at First Creek (refer to condition C8); procedures for managing weeds; rehabilitation; and education tools to ensure construction personnel are made aware of fauna species that have the potential of occurring within the Development site;
 - (iii) procedures to accurately determine the total area, type and condition of vegetation community to be cleared; and
 - (iv) a procedure to review management methods where they are found to be ineffective.
- (e) A **Construction Heritage Management Plan**, developed in consultation OEH and Pejar Local Aboriginal Land Council, any other registered Aboriginal parties (for Aboriginal heritage), to outline the measures to minimise and manage impacts on heritage items and sites. For Aboriginal heritage, the Plan shall be informed by any archaeological surveys and/or test excavations conducted for the access roads and electrical connections for the development. The Plan shall include, but not necessarily be limited to:
- (i) in relation to Aboriginal Heritage:
 - details of further investigation and identification of Aboriginal cultural heritage sites within the development area (including a clearly labelled map showing those sites and which defines the boundaries of each site with a polygon);
 - details of management measures to be carried out in relation to Aboriginal heritage, including a detailed methodology and strategies for protection, monitoring, and conservation, of sites and items associated with the development;
 - procedures for dealing with previously unidentified Aboriginal objects (excluding human remains) including cessation of works in the vicinity, assessment of the significance of the item(s) and determination of appropriate mitigation measures including when works can recommence by a suitably qualified archaeologist in consultation with the Department, OEH and registered Aboriginal stakeholders, and assessment of the consistency of any new Aboriginal heritage impacts against the approved impacts of the development, and registering of the new site in the OEH's Aboriginal Heritage Information Management System (AHIMS) register;
 - procedures for dealing with human remains, including cessation of works in the vicinity and notification of the Department, NSW Police Force, OEH and registered Aboriginal stakeholders and not recommencing any works in the area unless authorised by the Department and / or the NSW Police Force;
 - heritage training and induction processes for construction personnel (including procedures for keeping records of inductions) and obligations under the Conditions of this Consent and *National Parks and Wildlife Act 1974* (where relevant) including site identification, protection and conservation of Aboriginal cultural heritage;
 - procedures for ongoing and up-to-date Aboriginal consultation and involvement for the duration of the development; and
 - mechanisms for the monitoring, review and amendment of this plan.
 - (ii) in relation to Historic Heritage:
 - procedures for dealing with previously unidentified heritage objects (including cessation of works in the vicinity), assessment of the significance of the item(s) and determination of appropriate mitigation measures including when works can recommence by a suitably qualified and experienced archaeologist in consultation with the Heritage Branch of OEH and the

- Department, and assessment of the consistency of any new heritage impacts against the approved impacts of the development;
 - heritage training and induction processes for construction personnel (including procedures for keeping records of inductions and obligations under the *Heritage Act 1977* and these conditions) including site identification, protection and conservation of historic cultural heritage; and
 - mechanisms for the monitoring, review and amendment of this plan.
- (f) A **Traffic Management Protocol** to outline management of traffic conflicts that may be generated during construction and operation of the development. The Plan shall be developed in consultation with, and address the requirements, Upper Lachlan Shire Council (Local Traffic Committee), Goulburn Mulwaree Council (Local Traffic Committee), Roads and Maritime Services Southern Traffic Operations Unit and Crown Lands, and any other relevant road authority, and shall include, but not necessarily be limited to:
- (i) details of how construction of the development will be managed in proximity to local and regional roads;
 - (ii) details on site access points and developed road management measure to ensure construction traffic disturbances are appropriately considered and addressed, including the measures for Crown Lands, as outlined under Section 6.3 of the RtS, (listed under condition B2 (c) of this Consent);
 - (i) details of traffic routes for heavy vehicles, including any necessary route or timing restriction for oversized loads;
 - (ii) demonstration that all statutory responsibilities with regard to road traffic impacts have been complied with;
 - (iii) details of measures to minimise interactions between the development and other users of the roads such as the use of fencing, lights, barriers, traffic diversions etc;
 - (iv) procedures for informing the public where any road access will be restricted as a result of the development;
 - (v) details of any upgrade requirements, as identified under condition E18, to accommodate development traffic for the duration of construction (including intersection treatments, vehicle turning requirements and site access), considering final traffic volumes;
 - (vi) procedures to manage construction traffic to ensure the safety of any livestock and to minimise disruption to livestock; and
 - (vii) speed limits to be observed and timing of heavy vehicle movements along routes to and from the site and within the site, including with respect to school bus routes (e.g. along Woodhouselee Road).

A copy of the final Traffic Management Protocol shall be forwarded to Roads and Maritime Services (via development.southern@rms.nsw.gov.au) prior to any transportation occurring or works commencing on the construction of the development site.

- (g) A **Construction Soil and Water Quality Management Plan** to manage surface and groundwater impacts during construction of the development. The Plan shall be developed in consultation with NOW, SCA and Upper Lachlan Shire Council and include, but not necessarily be limited to:
- (i) details of construction activities and their locations, which have the potential to impact on water courses, storage facilities, stormwater flows, and groundwater;
 - (ii) surface water and ground water impact assessment criteria consistent with *Australian and New Zealand Environment Conservation Council (ANZECC) guidelines*;
 - (iii) management measures to be used to minimise surface and groundwater impacts, including details of how spoil and fill material required by the development will be sourced, handled, stockpiled, reused and managed, erosion and sediment control measures, and the consideration of flood events;
 - (iv) management measures for contaminated material and a contingency plan to be implemented in the case of unanticipated discovery of contaminated material during construction;
 - (v) a description of how the effectiveness of these actions and measures would be monitored during the proposed works, clearly indicating how often this monitoring would be undertaken, the locations where monitoring would take place, how the results of the monitoring would be recorded and reported, and, if any exceedance of the criteria is detected how any non-compliance can be rectified; and
 - (vi) mechanisms for the monitoring, review and amendment of this Plan.

- (h) A **Construction Air Quality Management Plan** to detail how construction impacts on air quality will be minimised and managed. The Plan shall include, but not necessarily be limited to:
 - (i) the identification of potential sources of dust;
 - (ii) dust management objectives;
 - (iii) mitigation measures to be implemented, including measures during weather conditions where high dust level episodes are probable (such as strong winds in dry weather);
 - (iv) a monitoring programme to assess compliance with the identified objectives; and
 - (v) mechanisms for the monitoring, review and amendment of this Plan.
 - (i) a **Bushfire Management Plan** to detail measures to prevent fires during the construction phase including:
 - (i) work involving risk of ignition that should not be carried out during a total fire ban;
 - (ii) availability of fire suppression equipment;
 - (iii) storage and maintenance of fuels and other flammable materials; and
 - (iv) notification of the Rural Fire Service Fire Control Centre for works proposed to be carried out during high fire danger periods to ensure weather conditions are appropriate.
 - (j) An **Obstacle Marking and Lighting Plan** (subject to the outcomes of condition C18), developed in consultation with Upper Lachlan Shire Council, Air Services Australia, CASA and the Department of Defence, to ensure the marking and lighting of specific turbines is appropriately designed and minimises potential visual impact.
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SCHEDULE F OPERATION ENVIRONMENTAL MANAGEMENT

HAZARD AND RISK

Bushfire Risk

- F1. Throughout the operational life of the development (refer to condition C24), the Applicant shall regularly consult with the Rural Fire Service to ensure its familiarity with the development. The Applicant shall comply with any reasonable request of the Rural Fire Service to reduce the risk of bushfire, minimise impacts on aerial and other bushfire fighting operators, and to enable fast access in emergencies.

Safety Management System

- F2. At least two months prior to the commencement of commissioning, the Applicant shall prepare a report outlining a comprehensive **Safety Management System**, covering all on-site systems relevant to ensuring the safe operation of the development. The System shall clearly specify all safety related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to the procedures. Records shall be kept at the site and shall be available for inspection by the Department upon request. The Safety Management System shall be developed in accordance with the *Department's Hazardous Industry Planning Advisory Paper No. 9, 'Safety Management'*, and should include:
- (a) procedures and programmes for the maintenance and testing of the safety related equipment to ensure its integrity over the life of the development; and
 - (b) an outline of a documented procedure for the management of change.

Television, Radio and Telephone/Internet Interference

- F3. Prior to the commencement of commissioning of the development, the Applicant shall undertake an assessment of the existing quality of the television, radio and telephone/internet transmission available at a representative sample of receivers located within 5 kilometres of any wind turbine.
- F4. In the event of a complaint from a receptor located within 5 kilometres of a wind turbine regarding television / radio / telephone / internet transmission during the operation of the development, the Applicant shall investigate the quality of transmission at the receptor compared with the pre-commissioning assessment and where any transmission problems can be reasonably attributable to the development, rectify the problems as soon as possible and within three months of the receipt of the complaint, through the implementation of measures including:
- (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; and / or
 - (d) other reasonable and feasible measures.
- If interference cannot be overcome by the measures outlined in (a) to (d), the Applicant shall negotiate with the impacted landowner(s) about installing and maintaining a satellite receiving antenna or other agreed mitigation measure(s). The Applicant shall be responsible for all costs associated with any such mitigation measures.

REHABILITATION AND REVEGETATION

- F5. Disturbance to watercourses and / or associated riparian vegetation shall be rehabilitated to a standard equal to or better than the existing condition in consultation with the NOW and DPI (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 F6.
- F6. The Applicant shall implement a revegetation and rehabilitation programme for all areas of the development footprint which are disturbed during the construction of the development, which are not required for the ongoing operation of the development, including temporary construction facility sites and sections of construction access roads. The Applicant shall ensure that all revegetation measures are implemented progressively where reasonable and feasible and in all cases within six months of the cessation of construction activities at the relevant area. Unless otherwise agreed to by the Secretary, the Applicant 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 Secretary) as being well established, in good health and self-sustaining.

NOISE**Operational Noise Criteria – Wind Turbines**

F7. Noise generated at the development site must not result in the noise limits specified below in Tables F1 and F2 being exceeded. The locations referred to below are indicated in Table 6 of the document *Crookwell 3 Wind Farm Noise Impact Assessment* by SLR Consulting Australia Pty Ltd (dated 30 August 2012), as included in the document referred to under condition B2 (b) of this Consent.

- (a) The Development must not result in noise exceeding the limits specified in Table F1 below, at the identified receiver locations. The noise limits in F1 may be varied if a higher level can be justified by additional data provided to the satisfaction of the Secretary and the Environment Protection Authority. Notwithstanding, the noise levels must not exceed 35 dB(A) LAeq or the background noise level by more than 5 dB(A) (whichever is greater) at non-associated receivers, consistent with *Wind Farms: Environmental Noise Guidelines* (SA EPA, 2003).

Table F1 - Noise Limits

Integer wind speed (m/s) at hub height		L _{eq} (10 minute) NOISE LIMITS (dBA)				
		0 to 8	9 to 10	11	12	13 to cut-out
Receiver Location						
House 58		35	35	36	38	39
House 59		35	35	36	37	39
House 62	<i>Cottonwood</i>	35	35	36	38	40
House 63	<i>Rocky Corner</i>	37	39	41	43	45
House 64 ^a	<i>Balvardarman Hill</i>	35	35	35	39	43
House 65 ^a	<i>Windalee</i>					
Any other	Any other residences excluding those associated with the development or that are subject of a valid private negotiated agreement. The noise agreements shall satisfy the relevant requirements of <i>Guidelines for Community Noise</i> (WHO, 1999) and Section 2.3 of <i>Wind Farms: Environmental Noise Guidelines</i> (SA EPA, 2003).	35	35	35	35	35

Note:

- a. The levels specified for locations House 64 and House 65 are based on criteria, which are less than predicted levels.
- (b) Activities at the Development site must not result in noise exceeding the cumulative wind turbine noise, including from the development, as well as from Crookwell 1 and 2 wind farms, specified in Table F2 below, at the identified receiver locations, unless a higher level can be justified by additional data provided to the satisfaction of the Secretary and the Environment Protection Authority.

Table F2 - Cumulative Noise Limits

Integer wind speed (m/s) at hub height		L _{eq} (10 minute) NOISE LIMITS (dBA)				
		0 to 8	9 to 10	11	12	13 to cut-out
Receiver Location						
House 2	<i>Bendemere D'Ambrosio</i>	35	35	35	36	38
House 3						
House 4						
House 5						
House 6						
House 7	<i>Emohruo</i>					
House 19	<i>Wombat Hollow</i>	35	35	37	38	38
House 60	<i>Pejar Park Wallaroobie</i>	35	35	36	38	40
House 61						
House 68	<i>Meadowvale Atholvale Snowgum</i>	35	35	35	38	40
House 69						
House 70						

F8. For the purposes of Condition F7, wind speed is to be measured at dedicated wind masts, or directly in accordance with the most recent version of Chapter 7 of International Standard IEC 61400-11 Wind turbine generator systems – Part 11: Acoustic noise measurement techniques (IEC 2002) by electrical power output and a nacelle-mounted anemometer at the following locations:

- For Houses 2 and 3 – Turbine A26 as shown in Figure 4 of the document titled *Crookwell 3 Wind Farm Noise Impact Assessment* by SLR Consulting Australia Pty Ltd (30 August 2012);
- Four House 7 – Turbine A28 as shown in Figure 4 of the document titled *Crookwell 3 Wind Farm Noise Impact Assessment* by SLR Consulting Australia Pty Ltd (30 August 2012);
- For House 19 – Turbine A32 as shown in Figure 4 of the document titled *Crookwell 3 Wind Farm Noise Impact Assessment* by SLR Consulting Australia Pty Ltd (30 August 2012);
- For Houses 58 to 62 – Turbine A23 as shown in Figure 4 of the document titled *Crookwell 3 Wind Farm Noise Impact Assessment* by SLR Consulting Australia Pty Ltd (30 August 2012);
- For Houses 63 to 65 – Turbine A6 as shown in Figure 4 of the document titled *Crookwell 3 Wind Farm Noise Impact Assessment* by SLR Consulting Australia Pty Ltd (30 August 2012); and
- For Houses 68 to 70 – Turbine A1 as shown in Figure 4 of the document titled *Crookwell 3 Wind Farm Noise Impact Assessment* by SLR Consulting Australia Pty Ltd (30 August 2012).

F9. To determine compliance with the:

- (a) noise limits in condition F7, the noise measurement equipment must be located (where access is agreed by the owner and occupier of the relevant dwelling):
- approximately on the property boundary, where any dwelling is situated 20 metres or less from the property boundary closest to the premises; or
 - within 20 metres of a dwelling façade, but not closer than 5 metres, where any dwelling on the property is situated more than 20 metres from the property boundary closest to the premises.
- (b) noise limits in condition F7, the noise measurement equipment must be located (where access is agreed by the owner and occupier of the relevant dwelling):
- at the most affected point at a location where there is no dwelling at the location; or
 - at the most affected point within an area at a location prescribed by condition F9 (a).

F10. For the purposes of determining the noise generated at the premises, the modification factors in Section 4 of the *Environmental Noise Guidelines: Wind Farms* (SA EPA 2003) must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.

F11. The Applicant shall prepare a **revised Noise Assessment** for the final turbine model and turbine layout selected, in consultation with EPA, which shall be submitted to the Secretary prior to construction of the Crookwell 3 wind turbines. The revised Noise Assessment shall include the noise predictions of the final turbine model and layout selected at each of the receiver locations. The assessment shall demonstrate consistency with the EIS and the ability of the final turbine model and layout to meet the requirements of condition F7.

F12. For the purposes of condition F7 of this Consent, the presence of excessive tonality (a special noise characteristic) is consistent with that described in *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 $L_{eq,(10 \text{ minute})}$ 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, 5 dB(A) should be added to measured noise levels 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 the tone from the wind turbine is audible at the relevant receiver. Absence of tone 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 25 Hz to 10 KHz 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, 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.

F13. For the purposes of condition F7, the presence of excessive low frequency noise i.e. 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.

F14. Notwithstanding condition F7, the noise limits specified under the condition do not apply to any residence where a noise agreement is in place between the Applicant and the owner(s) of those residences in relation to noise impacts and / or noise limits. For this condition to take effect, the noise agreements shall satisfy the relevant requirements of *Guidelines for Community Noise* (WHO, 1999).

Verification of Operational Noise

F15. The Applicant shall prepare a **Noise Compliance Plan** which shall be submitted to the Secretary prior to the commissioning of the wind turbines. The Noise Compliance Plan shall include, but not be limited to:

- (a) an assessment to be undertaken of the performance of the development against the noise predictions/criteria contained in conditions F7 and F11;
- (b) a commitment that noise compliance monitoring will be undertaken within three calendar months of the commissioning of the wind turbines. If prevailing meteorological conditions do not allow the required monitoring to be undertaken in this period, the Secretary shall be notified and an extension of time may be sought; and
- (c) a requirement that all noise compliance monitoring results are submitted to the Secretary within two months of completion of the monitoring. The Secretary may request that additional noise compliance monitoring be undertaken and completed within a specified timeframe.

The Noise Compliance Plan shall be prepared generally in accordance with the procedures presented in the South Australian Environment Protection Authority *Wind Farm Guidelines 2003* or to a compliance measurement methodology prepared to the satisfaction of the Secretary and in consultation with the EPA.

F16. In the event that the **Noise Compliance Plan** (noise compliance monitoring) indicates that noise from the wind turbines exceeds the noise limits specified under condition F7, the Applicant shall investigate and propose mitigation and management measures to achieve compliance with the noise limits. Details of the remedial measures and a timetable for implementation shall be submitted to the Secretary for approval within such period as the Secretary may require.

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 reduced operation of wind turbines. Once all reasonable and feasible source controls are exhausted, remedial measures may include building acoustic treatments and/or noise screening for affected residents, but may only be used to address noise limit exceedances where agreed by the relevant landowner/resident. The Proponent shall also demonstrate that the relevant landowner/resident has been made fully aware of the noise and other implications of making any agreement.

F17. The Applicant shall provide written notice to all landowners who are entitled to rights under condition F16 within 21 days of determining the landholdings to which these rights apply. For the purpose of condition F16, this condition only applies where operational noise levels have been confirmed in accordance with condition F15.

F18. The Applicant shall bear the costs of additional at-receiver mitigation measures implemented at an affected property in accordance with condition F16.

F19. Any landowner or resident whose residence is within 3 kilometres of a turbine may ask the Secretary in writing for an independent review of the noise impacts of the development on his / her land. If the Secretary is satisfied that an independent review is warranted, then the Secretary may require the Applicant to commission a suitably qualified independent expert, whose appointment has been agreed to by the Secretary, to consult with the landowner / resident to determine his / her concerns, and conduct monitoring to determine whether the development complies with the criteria identified in condition F7.

The results of the monitoring shall be reported to the Secretary 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 condition F7, as relevant, the provisions of conditions F16 to F18 apply.

OPERATIONAL ENVIRONMENTAL MANAGEMENT PLAN

F20. Prior to the commencement of operation, or as otherwise agreed by the Secretary, the Applicant shall prepare and implement (following approval) an **Operation Environmental Management Plan** for the development. The Plan shall outline the environmental management practices and procedures that are to be followed during operation, and shall be prepared in consultation with 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 operation of the development (including staging and scheduling);
- (b) statutory and other obligations that the Applicant is required to fulfil during operation, including approval/approvals, consultations and agreements required from authorities and other stakeholders under key legislation and policies;
- (c) overall environmental policies, guidelines and principles to be applied to the operation of the development;
- (d) a description of the roles and responsibilities for relevant employees involved in the operation of the development, including relevant training and induction provisions for ensuring that employees are aware of their environmental and compliance obligations under these conditions of approval;
- (e) an environmental risk analysis to identify the key environmental performance issues associated with the operation phase of the development; and
- (f) details of how environmental performance would be managed and monitored to meet acceptable outcomes, including what actions will be taken to address identified potential adverse environmental impacts, including those safeguards and mitigation measures detailed in the EIS (and any impacts arising from the staging of the construction of the development).

The Plan shall be submitted for the approval of the Secretary no later than one month prior to the commencement of operation, or as otherwise agreed by the Secretary. Operation shall not commence until written approval has been received from the Secretary. Upon receipt of the Secretary's approval, the Applicant shall make the Plan publicly available as soon as practicable.

Note: The approval of an Operation Environmental Management Plan does not relieve the Applicant of any other requirement associated with this Consent. If there is an inconsistency with an approved Operation Environmental Management Plan and the conditions of this Consent, the requirements of this Consent prevail.

F21. As part of the Operation Environmental Management Plan required under condition F20, the Applicant shall prepare and implement (but not be limited to) the following:

- (a) An **Operation Noise Management Plan** to outline measures to minimise noise emissions from the operation of the development. The Plan shall include, but not necessarily be limited to:
 - i. details of procedures to ensure ongoing compliance with the operational noise limits specified in conditions F7 as they apply to the identified receivers. This should include identification of monitoring requirements;
 - ii. identification and implementation of best practice management techniques for minimisation of noise emissions where reasonable and feasible;
 - iii. procedures and corrective actions to be undertaken if non-compliance is detected.
- (b) A **Bushfire Management Plan** to detail measures to prevent and manage fires during the operational phase, including:
 - (i) work involving risk of ignition that should not be carried out during a total fire ban;
 - (ii) availability of fire suppression equipment;

- (iii) storage and maintenance of fuels and other flammable materials;
- (iv) notification of the Rural Fire Service Fire Control Centre for works proposed to be carried out during high fire danger periods to ensure weather conditions are appropriate; and
- (v) managing operations to assist bush firefighting in the vicinity of the wind farm (e.g. potentially switching off turbines).

SCHEDULE G

ADDITIONAL PROCEDURES

LAND ACQUISITION AND CRITERIA

G1 Within 3 months of the date of this Consent and prior to construction of the relevant sector as defined in Table G1 below, the Applicant shall:

- (a) notify in writing the owner of the property listed in Table G1, that it will proceed to negotiate visual impacts on their property; and
- (b) if no agreement has been reached within one (1) year of the commencement of that process, the Applicant is to advise in writing the relevant landowner(s) that the landowner can require the Applicant to acquire its property.

Table G1 - Properties to be acquired if negotiated visual agreements are not reached

Reference No.	Property subject of a negotiated visual agreement and where no agreement is reached, is to be acquired	Sector
1	R8 "Narangi"	Crookwell 3 South
2	R62 "Cottonwood"	Crookwell 3 East
3	R63 "Rocky Corner"	Crookwell 3 East
4	R64 "Valdarman Hill"	Crookwell 3 East
5	R65 "Windalee"	Crookwell 3 East
6	"Rainmore" (R117, R118, R119)	Crookwell 3 South

G2 At the request in writing of the owner(s) of any of the properties notified under condition G1 (b), if such a request is made within three months of the date of service of the notification required under condition G1 (b) and provided that this Consent has not lapsed or been surrendered within that time, the Applicant shall proceed to acquire the relevant landholdings referred to under this condition.

G3 Within three months of receiving a written request from a landowner with acquisition rights under condition G2 of this Consent, the Applicant shall make a binding written offer to the landowner to purchase the land specified in the request, with such offer to remain open for a period of three months after receipt and shall not be reduced, based on:

- (a) the current market value of the landowner's interest in the land at the date of the written request, as if the land was unaffected by the development, having regard to the:
 - (i) existing and permissible use(s) of the land, in accordance with applicable environmental planning instruments at the date of the written request;
 - (ii) presence of improvements on the land and/or any approved building or structure which has been physically commenced at the date of the landowner's written request, and is due to be completed subsequent to that date;
- (b) reasonable costs associated with obtaining legal and expert advice for determining the acquisition price of the land, and the terms upon which it is to be acquired; and
- (c) reasonable compensation for any disturbance caused by the land acquisition process.

If, after three months of receipt of the Applicant's offer above, the Applicant and landowner cannot agree on the acquisition price of the land, including costs and compensation under (b) and (c) above, and/or the terms upon which the property is to be acquired, then either party may refer the matter to the Secretary for resolution.

Upon receiving such a request, the Secretary shall request the President of the New South Wales Division of the Australian Property Institute to appoint a suitably qualified and experienced independent valuer, being a Fellow of the Institute, to consider submissions from both parties, and determine a fair and reasonable acquisition price for the land, including the reasonable compensation for disturbance caused by the land acquisition process associated with (c) above, and/or the terms upon which the property is to be acquired. This process is to be completed within three months of the Secretary receiving any such request.

Within 14 days of receiving the independent valuer's determination, the Applicant shall make a binding written offer to the landowner (including reasonable costs and compensation under (b) and (c) above). The offer, to purchase the property at a price not less than the independent valuer's determination and otherwise on the terms specified in that determination shall remain open for a period of three months after receipt by the landowner and shall not be reduced.

If the landowner refuses to accept the offer within three months of the date of the Applicant's offer, the Applicant's obligations to acquire the land concerned shall cease.

If the landowner accepts either of the offers above and thereafter the Applicant fails to acquire the land on terms consistent with the relevant offer within three months of acceptance, the turbine(s) within the relevant sector identified in Table G1, are to be deleted.

- G4 The Applicant shall bear the reasonable costs of any valuation or survey assessment requested by the independent valuer or the Secretary and the costs of determination referred to under condition G3.
- G5 If the Applicant and landowner agree that only part of the landowner's property shall be acquired, the Applicant shall pay all reasonable costs associated with obtaining Council approval for any plan of subdivision (where permissible), and registration of the plan with the Office of the Registrar-General. The Applicant will therefore have no further obligation to acquire the remainder of the land concerned.
- G6 If the Applicant has initiated the acquisition process referred to in condition G1 and the owners of the relevant property to be acquired notify the Applicant in writing that they do not consent to their property being acquired, or fail to provide a written request to the Applicant for all or part of their land to be acquired in accordance with condition G2, then the requirement either to acquire that land under condition G2 lapses.
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SCHEDULE H DECOMMISSIONING STAGE

DECOMMISSIONING

- H1 Unless otherwise agreed by the Secretary, within 18 months of the cessation of operation of the development, the site shall be decommissioned and returned by the Applicant, as far as practicable, to its condition prior to the development commencement, in consultation with the relevant landowner(s) and to the satisfaction of the Secretary (and in accordance with the Decommissioning and Rehabilitation Plan required under condition H2).

All generating facilities and associated infrastructure (including but not necessarily limited to the substation and transformers, switchyard, operation and maintenance facility, overhead transmission lines and access roads) shall be removed from the site unless otherwise agreed by the Secretary. Development related infrastructure (including access roads, access tracks and underground cabling) may only be retained on site, where the Applicant has demonstrated to the satisfaction of the Secretary 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 land use at the properties; and their retention has been agreed to in writing (with evidence provided to the Secretary) by the relevant landowners.

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).

- H2 The Applicant shall develop an updated **Decommissioning and Rehabilitation Plan**, to the satisfaction of the Secretary, within 18 months of the commencement of construction. The plan shall be updated every five years until decommissioning and rehabilitation is completed. A copy of each updated version of the plan shall be provided to the Secretary and Council 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.
- H3 Unless otherwise agreed by the Secretary, the Applicant 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 development (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 Applicant shall implement these in consultation with the relevant road authority, prior to the commencement of decommissioning and at the full expense of the Applicant; and
 - (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 Applicant shall implement these in consultation with the relevant road authority, prior to the commencement of decommissioning and at the full expense of the Applicant.
- H4 Upon determining the haulage route(s) for decommissioning vehicles associated with the development, and prior to decommissioning, 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 development. The Report shall be submitted to the relevant road authority for review prior to the commencement of haulage.
- H5 The Applicant shall repair all damage to roads caused by decommissioning. Measures undertaken to restore or reinstate roads affected by the development shall be undertaken in accordance with the reasonable requirements of the relevant road authority (including timing requirements), and at the full expense of the Applicant. Within three months of completion of decommissioning:

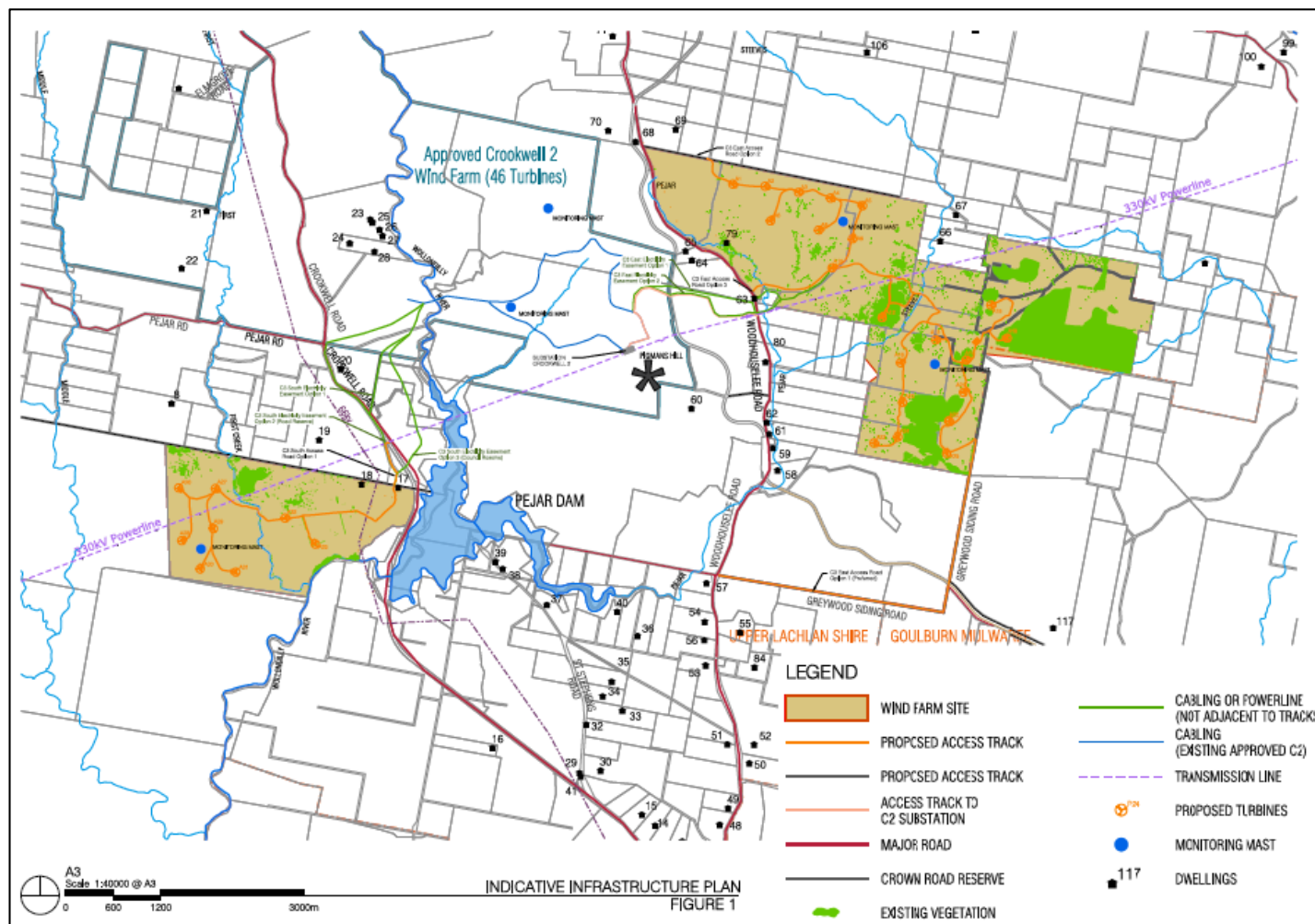
- (a) the Applicant shall undertake gravel re-sheeting to a minimum depth of 80 mm on all gravel roads used for access during construction that were damaged by that use. Works shall be completed in accordance with *Roads and Maritime Services Specification M220*; and
- (b) a Report shall be prepared to assess any damage to sealed roads that may have resulted from the construction of the development (including mechanisms to restore any damage) and submitted to the relevant road authority for review.

H6 Prior to the commencement of decommissioning, or as otherwise agreed by the Secretary, the Applicant shall prepare and implement (following Consent) a **Decommissioning Environmental Management Plan** for the development. 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 development (including staging and scheduling);
- (b) statutory and other obligations the Applicant is required to fulfil during decommissioning, including approval / consents, 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 development, 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 Consent;
- (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 development). 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 Secretary no later than one month prior to the commencement of decommissioning, or as otherwise agreed by the Secretary. The Plan may be prepared in stages, however, decommissioning works shall not commence until written approval has been received from the Secretary.

APPENDIX 1 DEVELOPMENT LAYOUT PLAN (1)



Note: this Layout Plan has been derived from the Applicant's PPR & RtS, referred to under condition B2 (c) of this Consent.

DEVELOPMENT LAND TABLE (1)

Location	Land Owner	Lot	DP/TD/TDCP
Crookwell 3 East	Leeston (Goulburn) Pty Ltd (Rabjohns)	1	DP 1074987
		2	DP 1074987
	B.J. Donoghoe & Son Pty Ltd	1	DP 924832
		2	DP 1139846
		13	DP 784346
		14	DP 784346
		191	DP 750052; TDCP 4031 2121
		290	DP 750052; TDCP 3695 2121
		326	DP 750052
Crookwell 3 South	John Joseph Blewitt, Dudley Oscar Blewitt and Ida Jane Blewitt	3	DP 588100; TD 588100
		8	DP 252214; TD 252214
Electricity easement options	Upper Lachlan Shire Council	Woodhouselee Road reserve	
	Keith and Ruth Coggan	1	DP 965855
	Charles and Kristyne Prell	2	DP 1087717
		2	DP 1087714
	Gundowringa Pty Ltd	2	DP 1091383
	RTA	Crookwell Road reserve	
	NSW State Government	7300	DP 1139548
		257	DP 257478
		9	DP 252214
		256	DP 257478
		12	DP 252214
		7002	DP 96792
		7009	DP 96794
	Minister for Public Works	1	DP 604536
		2	DP 604536

Note: this Land Table has been derived from the Applicant's EIS (Appendix 3, *Lot Details*), referred to under condition B2 (b) of this Consent.

APPENDIX 2

PROPOSED LAYOUT FOR TURBINE A18 – TO BE REMOVED FROM DEVELOPMENT SCOPE (1)

