



16th July 2007

Director General
Attn: Mr Neville Osborne
NSW Department of Planning
23-33 Bridge St
Sydney NSW 2000

Dear Director General,

On 12 July 2007, Palerang Council resolved to agree to RPVs request for a specific value (subject to an agreed form of escalation) and design standard to be undertaken in relation to the upgrade of Taylors Creek Road. The wording of the resolution is as follows:

309/2007 RESOLVED that Council

1. *Indicate to both the proponent and the Department of Planning, its agreement to a modification of condition 7 of the consent for the Capital Wind Farm project, that will allow the planning agreement for the upgrading of Taylors Creek Road to be based on the payment to Council of an amount of \$2.62m (excluding GST and subject to rises in the RTA Road Cost Index from November 2006) for site specific works to be undertaken by Council as indicated below: in lieu of the general requirement for the entire length of road to be sealed:*
 - a) *Type 7 sealed road from Goulburn/Mulwaree boundary to sealed strip at Sunnybrook;*
 - b) *Type 6 sealed road from Sunnybrook to Western Leg Road;*
 - c) *Gravel road upgrading from Western Leg Road to Collector Road;*
 - d) *Survey, investigation and design;*
 - e) *Allowance for minor road widening land acquisitions.*
2. *Authorise the Mayor and General Manager to sign and seal an agreement consistent with 1. above.*

This agreement between RPV and Palerang will be reflected in the final agreed form of Planning Agreement required by Capital Wind Farm Project Approval, Condition of Approval No.7.

Palerang Council has informed RPV that they have written to the Department of Planning requesting the Department's agreement to this cost and design standard. RPV supports this request. Condition of Approval No. 7 also requires that the Planning Agreement be executed prior to commencing construction.

For legislative reasons only, it will take some months before the agreement can be executed. This requirement will therefore cause significant delay to the commencement of construction, with severe impacts for the commercial viability of the project. RPV therefore requests that the condition be amended such that the Planning Agreement must be executed by no later than 31 March 2008, unless otherwise agreed by the Director General.

Your consideration of this request is greatly appreciated.

Yours sincerely,



David Griffin
CEO