Notice of Modification

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

As delegate of the Minister for Planning, I modify the project approval referred to in Schedule 1, as set out in Schedule 2.

David Kitto
Executive Director
Resource Assessments and Business Systems

Sydney 2016

SCHEDULE 1

The Project Approval for the Glen Innes Wind Farm (07_0036) granted by the Land and Environment Court on 18 August 2010.

SCHEDULE 2

1. Replace the description of the project in Schedule 1 with the following:

   Land: The land shown in Appendix 1

   Project: Glen Innes Wind Farm Project

2. Delete the definitions for "Construction", "DECCW", "Department, the", "Director-General, the", "Director-General's Approval or the agreement or satisfaction of the Director-General", "EPA", "LHPA", "Operation", "Proponent", "Reasonable and feasible" and "RTA" in the table of definitions in Schedule 2, and insert the following in alphabetical order:

Ancillary infrastructure	All wind farm infrastructure with the exception of wind turbines, including but not limited to collector substations, switching stations, permanent offices and site compounds, electricity transmission lines and internal roads
CEMP	Construction Environmental Management Plan
Construction	The construction of the development, including but not limited to the construction of wind turbines, ancillary infrastructure and road upgrades (excludes geotechnical drilling and surveying)
Curtilage	The land immediately surrounding a residence, including any closely associated buildings or structures where domestic and/or recreational activities take place
Decommissioning	The removal of wind turbines and any associated above ground infrastructure
Department	Department of Planning and Environment
DPI Water	Department of Primary Industries - Water
EA	*Glen Innes Wind Farm Environmental Assessment* (Glen Innes Wind Power, 2008) as amended by: • *Glen Innes Wind Farm Submissions*, prepared by Connell Wagner and dated May 2009; • *Glen Innes Wind Farm Revised Turbine Layout,* prepared by Aurecon and dated June 2010; and • *Glen Innes Wind Farm Section 75W Modification Environmental Assessment* prepared by Aurecon and dated March 2014.
EPA	Environment Protection Authority
Feasible	Feasible relates to engineering considerations and what is practical to build or implement
LLS	Local Land Services
Non-associated residence	Any residence on privately-owned land where the landowner has not reached a financial or in kind agreement with the Proponent in relation to the development. In

	some cases, this agreement will be restricted. First, it may only cover certain aspects of the development (such as the noise or visual impacts). In such cases, the residence is only associated for those aspects covered by the agreement, and remains a non-associated residence for all those aspects that are not covered by the agreement. Second, while the agreement may cover a certain aspect of the development (such as noise impacts), it may limit the extent of any such impact (by setting absolute noise levels at a residence, for instance). In these cases, the residence is only associated to the extent that the impact is covered by the agreement, and is considered to be non-associated for any impacts that exceed the limits specified in the agreement.
OEH	Office of Environment and Heritage
Operation	The operation of the development, but does not include commissioning trials of equipment or use of temporary facilities
Project	The development described in the EA and shown in Appendix 2
Proponent	Glen Innes WindPower (GIWP), or any other person who seeks to carry out the project approved under this approval
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
Residence	Any dwelling in existence at the date of this consent, or a dwelling that is the subject of a development application that was lodged but not yet determined at the date of this consent
RMS	NSW Roads and Maritime Services
Secretary	Secretary of the Department, or nominee
Sector management	Sector management refers to the implementation of techniques that reduce the impacts generated by individual wind turbines, or clusters. Such techniques may include operating the turbines in 'low noise' mode, shutting down turbines, or using firmware controls
Site	The land defined in Appendix 1

3. Delete all references to "Director-General" and replace with "Secretary".

4. Delete all references to "DECCW" and replace with "OEH".

5. Delete all references to "Department of Energy and Water" and replace with "DPI Water".

6. Delete all references to "LHPA" and replace with "LLS".

7. Delete all references to "RTA" and replace with "RMS".

8. Delete condition 1.1 and insert the following:

   1.1 The Proponent shall carry out the project:
   a) generally in accordance with the EA; and
   b) in accordance with the conditions of this approval.

   Note: The general layout of the project is depicted in Appendix 2.

9. Delete condition 1.2 and insert the following:

   1.2 If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency.

10. Delete condition 1.3 and insert the following:

    1.3 The Proponent shall comply with any reasonable requirement(s) of the Secretary arising from the Department's assessment of:
    a) any strategies, plans, programs, reviews, audit correspondence that are submitted in accordance with the requirements of this approval;
    b) any reports, reviews or audits commissioned by the Department regarding compliance with this approval; and
    c) the implementation of any actions or measures contained in these documents.

11. Delete condition 1.5 and insert the following:

    1.5 This approval shall lapse on 31 January 2017 unless the Proponent has physically commenced the project.

12. Delete condition 1.10 and insert the following:

    1.10 Any individual turbine that ceases operating for a period of more than 12 consecutive months shall be dismantled within 18 months after the 12 month period, unless the Secretary agrees otherwise.

13. Delete condition 1.10A.

14. In condition 1.10B:
    - insert the heading 'Decommissioning Road Dilapidation' before the condition;
    - delete 'construction of the Project (including mechanisms to restore any damage) and submitted to the relevant road authority for review' at end of the second last sentence and insert 'decommissioning of the Project'; and
    - insert 'in a timely manner' after 'undertaken' in the last sentence.

15. Insert the following heading before condition 1.10C:

    Decommissioning Environmental Management Plan

16. Delete condition 1.11 and insert the following:

    1.11 The Proponent shall not use any part of Travelling Stock Route 67474 for a temporary construction site office for the project without the prior approval of the LLS.

17. Delete condition 2.1 and insert the following:

    Visual

    Visual Impact Mitigation

    2.1 Prior to the commencement of construction, the Proponent shall notify in writing the owner/s of non-associated residences within 4 kilometres of any wind turbine that they have the right to request implementation of visual impact mitigation measures at their residence if the wind turbines will be visible from the residence (including its curtilage).

    Note: If the construction of the development is being staged, the Proponent is only required to notify those owners that would be within 4 kilometres of any wind turbine that forms part of the relevant stage.

18. Insert the following after condition 2.1:

    2.1A If following the commencement of construction, the Proponent receives a written request from the owner of any residence referred to in condition 2.1 above for the implementation of visual impact mitigation measures, then the Proponent shall implement measures such as landscaping treatments or vegetation screens at the residence (including its curtilage) in consultation with the landowner.

    These mitigation measures must be reasonable and feasible, directed towards reducing the visual impacts of the wind turbines on the residence (including its curtilage), and commensurate with the level of visual impact.

    The mitigation measures must be implemented within 12 months of receiving the written request, unless the Secretary agrees otherwise.

    If the Proponent and the owner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Secretary for resolution.

    Notes:
    - *To avoid any doubt, the visual impact mitigation measures must be aimed at reducing the visibility of the wind turbines from the residence and its curtilage. Mitigation measures are not required to be implemented to reduce the visibility of wind turbines from other locations on the property.*
    - *In some cases, mitigation measures may not be warranted as the wind turbines would not be visible from the residence and its curtilage.*
    - *The identification of appropriate visual impact mitigation measures will be easier following the construction of the wind turbines. While landowners may ask for the implementation of visual impact mitigation measures shortly after the commencement of construction, they should consider the merits of delaying this request until the wind turbines are visible from their residence.*

19. Insert the following at the end of condition 2.6:

'; Mayvona, being Lot 45 DP 3191 and Ilparran B, being Lot 1 DP 225300.'

The Proponent shall also keep records of any sector management used to comply with this condition.

20. Delete condition 2.8 and insert the following:

Noise & Vibration

Construction & Decommissioning

2.8 The Proponent shall implement all reasonable and feasible measures to minimise the construction or decommissioning noise of the development, including any associated traffic noise.

21. Delete condition 2.9 and insert the following:

2.9 The Proponent shall ensure that the noise generated by any construction or decommissioning activities is managed in accordance with the best practice requirements outlined in the Interim Construction Noise Guideline (DECC, 2009), or its latest version.

22. Delete condition 2.10 and insert the following:

2.10 Unless the Secretary agrees otherwise, the Proponent shall only undertake construction or decommissioning activities between:

a) 7 am to 6 pm, Monday to Friday;
b) 8 am to 1 pm Saturdays; and
c) at no time on Sundays and NSW public holidays.

The following construction activities may be undertaken outside these hours without the approval of the Secretary:

- activities that are inaudible at non-associated residences;
- the delivery of materials as requested by the NSW Police Force or other authorities for safety reasons; or
- emergency work to avoid the loss of life, property and/or material harm to the environment.

23. Delete condition 2.11 and insert the following:

2.11 The Proponent shall only carry out blasting on site between 9 am and 5 pm Monday to Saturday inclusive. No blasting is allowed on Sundays or public holidays.

24. Delete condition 2.12 and insert the following:

2.12 The Proponent shall ensure that any blasting carried out during construction of the development does not exceed the criteria in Table 1.

Table 1: Blasting criteria

Location	***Airblast overpressure (dB(L in Peak))***	***Ground vibration (mm/s)***	***Allowable exceedance***
Any non-associated residence	120	10	0%
	115	5	5% of the total number of blasts or events over a period of 12 months

25. Delete conditions 2.13 to 2.15.

26. Delete condition 2.16 and insert the following:

Operational Noise Criteria – Wind Turbines

2.16 The Proponent shall ensure that the noise generated by the operation of wind turbines does not exceed the relevant criteria in Table 2 at any non-associated residence.

Table 2: Noise criteria dB(A)

Residence	***Criteria (dB(A)) with Reference to Hub Height Wind Speed (m/s)***											
	3	**4**	**5**	**6**	**7**	**8**	**9**	**10**	**11**	**12**	**13**	**14**
Cherry Tree (Eungai), Elm Vale, Klossie, Green House, Lombardy, Mayvona, Moonarie, Nullagai, Wandsworth	35	35	35	35	35	35	35	36	38	40	43	46
Highfields, Wattle Vale	35	35	35	35	35	35	36	38	40	42	44	46
Balaclava A, Ilparran A, Ilparran B, Kalanga A, Kalanga B, Kalanga C, Minamurra A, Minamurra B, Minamurra C, Green Valley (Oakes), Rivoli	35	35	35	35	35	36	37	38	39	40	40	41
Girrahween, Glengarry	35	35	35	35	35	35	35	35	35	36	37	39
All other non-associated residences	The higher of 35 dB(A) or the existing background noise level ($L_{A90\ (10\text{-}minute)}$) plus 5 dB(A)											

Note: To identify the residences referred to in Table 2, see the figure in Appendix 2.

Noise generated by the operation of the wind turbines is to be measured in accordance with the relevant requirements of the South Australian Environment Protection Authority's Wind Farms – Environmental Noise Guidelines 2009 (or its latest version), as modified by the provisions in Appendix 3. If this guideline is replaced by an equivalent NSW guideline, then the noise generation is to be measured in accordance with the requirements in the NSW guideline.

27. Delete conditions 2.17 to 2.20.

28. Delete condition 2.21 and insert the following:

Operational Noise Criteria – Ancillary Infrastructure

2.21 The Proponent shall ensure that the noise generated by the operation of ancillary infrastructure does not exceed 35 dB(A) $L_{Aeq(15\ minute)}$ at any non-associated residence.

Noise generated by the project is to be measured in accordance with the relevant requirements of the *NSW Industrial Noise Policy* (or its equivalent) as modified by the provision in Appendix 3.

29. Delete condition 2.22 and insert the following:

Noise Monitoring

2.22 Within six months of the commencement of operations, the Proponent shall:
a) undertake noise monitoring to determine whether the development is complying with the relevant conditions of this consent; and
b) submit a copy of the monitoring results to the Department and the EPA.

30. Delete condition 2.23 and insert the following:

2.23 The Proponent shall undertake further noise monitoring of the development if required by the Secretary.

31. Delete conditions 2.24 to 2.26.

32. Insert the following heading before condition 2.27:

Flora & Fauna

33. Insert the following heading before condition 2.28:

Traffic

34. Delete condition 2.31 and 2.32.

35. Insert the following after condition 2.34:

2.34A The Proponent shall ensure the future use of any unformed Crown road reserve is not compromised by the development.

36. Insert the following heading before condition 2.35:

Hazards & Risk

37. Insert the following heading before condition 2.38:

Aviation Obstacles & Hazards

38. Insert the following heading before condition 2.39:

Bunding & Spill Management

39. Insert the following heading before condition 2.41:

Television & Radio Interference

40. Insert the following heading before condition 2.49:

Waste Generation & Management

41. Insert the following heading before condition 3.1:

Bird & Bat Monitoring

42. Insert the following after condition 4.2:

Community Consultative Committee

4.2A The Proponent shall establish and operate a Community Consultative Committee (CCC) for the development to the satisfaction of the Secretary. This CCC must be established and operated in accordance with any application CCC guideline.

Notes:

- *The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Proponent complies with the consent.*
- *The CCC should be comprised of an independent chair and appropriate representation from the Proponent, Council and the local community.*

43. Insert the following after condition 6.4(g):

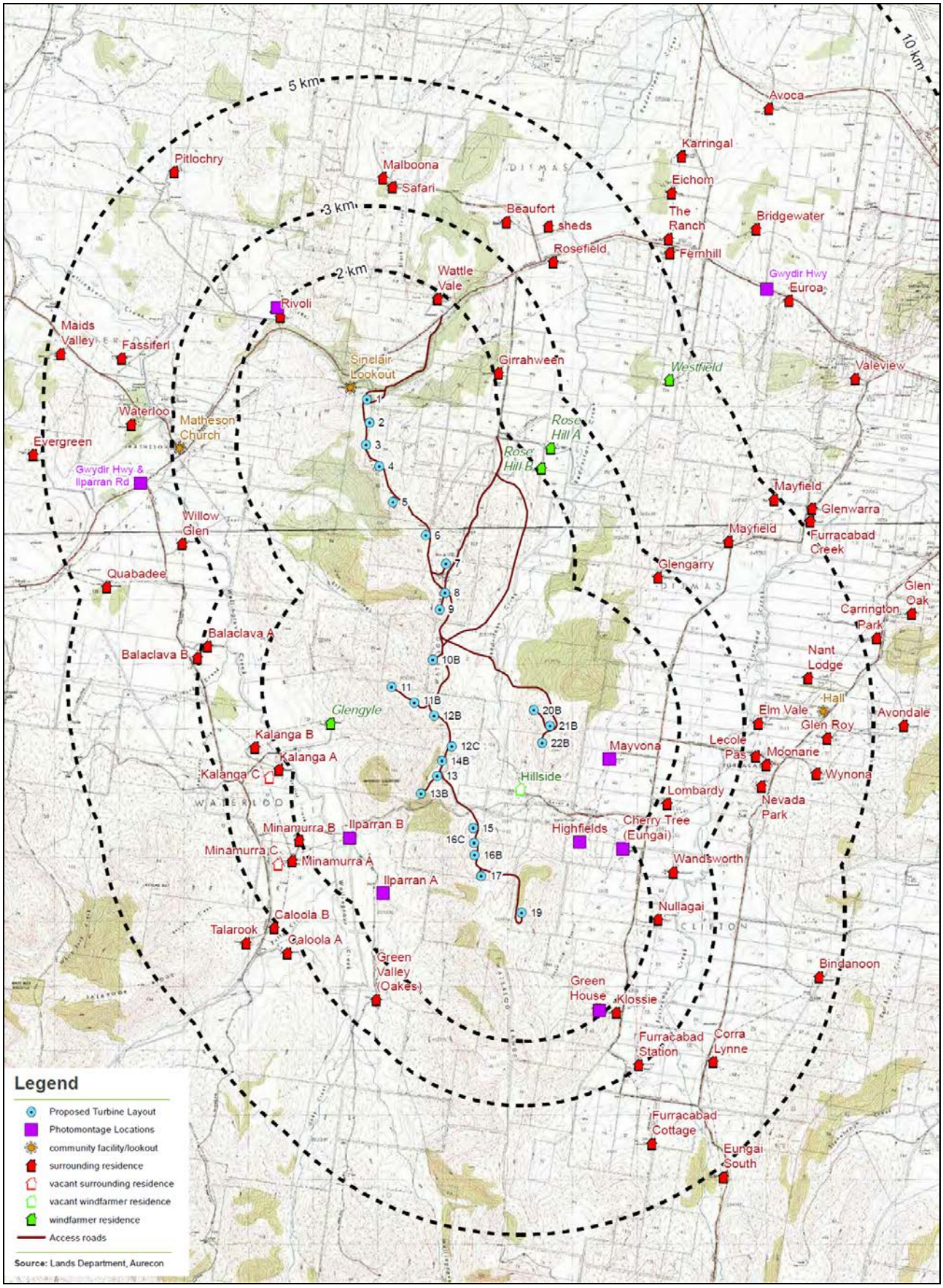
h) details of how sector management would be used and monitored to ensure that operational noise criteria and shadow flicker criteria are not exceeded.

44. Delete 'Annexure A' and insert the following appendices:

APPENDIX 1
SCHEDULE OF LAND

Property	***Lot/DP***
1	72/753274
	89/753274
	Pt 90/753319
	86/753319
	105/753319
	2/562615
2	1/1096761
	2/508195
	116/753270
	118/753270
	2/508196
3	1332/1004132
4	1331/1004132
5	117/753270
	2/596311
6	1/562615
7	Wattle Vale Travelling Stock Route (TSR) 67474 including the former Gwydir Highway alignment

APPENDIX 2
PROJECT LAYOUT



APPENDIX 3
NOISE COMPLIANCE ASSESSMENT

PART A: SOUTH AUSTRALIAN WIND FARMS: ENVIRONMENTAL NOISE GUIDELINES 2009 (MODIFIED)

South Australian *Wind Farms: Environmental Noise Guidelines 2009* (Modified) refers to the South Australian EPA document modified for use in NSW.

The modifications are as follows:

Tonality
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* and is defined as when the level of one-third octave band measured in the equivalent noise level $L_{eq(10minute)}$ 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 500Hz to 10,000Hz;
- 8 dB or more if the centre frequency of the band containing the tone is in the range 160 to 400Hz; and/or
- 15 dB or more if the centre frequency of the band containing the tone is in the range 25Hz to 125Hz.

If 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*).

Low Frequency Noise
The presence of excessive low frequency noise (a special noise characteristic) [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 with 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.

Notes:

- *For the purposes of these conditions, a special noise characteristic 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 144 minutes during any 24 hour period. This definition refers to verified wind farm noise only.*
- *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).*

PART B: NOISE COMPLIANCE ASSESSMENT

Applicable Meteorological Conditions – Wind Turbines

1. The noise criteria in condition 2.16 of the conditions are to apply under all meteorological conditions.

Applicable Meteorological Conditions – Other Facilities

2. The noise criteria in condition 2.21 of the conditions are to apply under all meteorological conditions except the following:

    a) wind speeds greater than 3 m/s at 10 m above ground level; or

    b) temperature inversion conditions between 1.5 ºC and 3ºC/100m and wind speeds greater than 2 m/s at 10 m above ground level; or

    c) temperature inversion conditions greater than 3ºC/100m.
