TABLE OF CONTENTS

DEFINITIONS

Act, the	*Environmental Planning and Assessment Act 1979*
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
CEMP	Construction Environmental Management Plan
Conditions of Approval	The Minister's conditions of approval for the project
Construction	Includes all work in respect of the project 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 approval); 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 Director General in consultation with the Office of Environment and Heritage.
Council	Blayney Shire Council
Department, the	Department of Planning and Infrastructure
Director-General, the	Director-General of the Department of Planning and Infrastructure (or delegate).
Director-General's approval or the agreement or satisfaction of the Director-General	A written approval from the Director-General (or delegate).
DPI	Department of Primary Industries
Dust	Any solid material that may become suspended in air or deposited
EA	*Flyers Creek Wind Farm Environmental Assessment (*Aurecon May 2011*)*
EEC	Endangered ecological communities
EPA	Environment Protection Authority
Heritage Item	Means an item as defined under the *Heritage Act 1977*
EPL	Environment Protection Licence under the Protection of the Environment Operations Act 1997
Micro-Siting	Means a location allowance of 100 metres radius for project components as long as impacts remain consistent with that assessed.
Minister, the	Minister for Planning and Infrastructure
Non-associated Receptor	Landowner that has not reached a financial or in kind agreement with the Proponent in relation to the project
NOW	NSW Office of Water
OEH	Office of Environment and Heritage
Operation	Means the operation of the project, but does not include commissioning trials of equipment or temporary use of parts of the project during construction
PPR	*Flyers Creek Wind Farm Preferred Project Report (May 2013)*
Project	The project that is the subject of the project application MP 08_0252
Publicly available	Available for inspection by a member of the general public (for example available on an internet website)
Reasonable and feasible	Consideration of best practice taking into account the benefit of proposed measures and their technological and associated operational application in the NSW and Australian context. Feasible relates to engineering considerations and

	what is practical to build. Reasonable relates to the application of judgement in arriving at a decision, taking into account mitigation benefits and cost of mitigation versus benefits provided, community views and nature and extent of potential improvements. Where requested by the Director General, the Proponent shall provide evidence as to how reasonable and feasible measures were considered and taken into account
Response to Submissions	*Flyers Creek Wind Farm Response to Submissions (May 2013)*
Registered Aboriginal Stakeholders	Aboriginal stakeholders identified as registered stakeholders in the Environmental Assessment
RFS	NSW Rural Fire Service
RMS	NSW Roads and Maritime Services
Sensitive Receiver	Any non associated residential dwelling or non associated receptor
Site	Land to which Major Projects Application MP 08_0252 applies
Surveyor General	Of New South Wales.
TIRIS	Department of Trade and Investment, Regional Infrastructure and Services

SCHEDULE B – DEFERRED COMMENCEMENT CONDITION

The following deferred commencement condition must be complied with to the satisfaction of the Director General.

These requirements must be complied with within 12 months from the date of this determination.

B1. The Proponent shall obtain, undertake, and submit the following for the approval of the Director General prior to commencement of the Project Approval:

a) an agreement with all landowners for the construction and operation of the overhead transmission line (outside of the wind farm project area as detailed within the document referenced in C1(c)).

b) an agreement (dated after the date of this determination) with the landowners identified as residence number 14 ("Willow Park"), 24 and 56 ("Cooramilla") (as identified within the document referenced in C1(c)), for the construction and operation of the turbines, overhead transmission line, underground power cabling, access tracks and any other infrastructure or works associated with the project.

c) a flora and fauna survey within the revised transmission line route (as identified within the document referenced in C1(c)) and an assessment provided detailing impacts to threatened species and communities inclusive of details of measures to avoid, mitigate or offset impacts.

d) an Aboriginal archaeological and cultural heritage assessment within the revised transmission line route (as identified within the document referenced in C1(c)) consistent with the Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (DEC, 2005), that details impacts to Aboriginal and cultural heritage inclusive of procedures for detailing how construction impacts on Aboriginal and cultural heritage will be minimised and managed.

e) additional background noise level monitoring at receiver location 78 and 89 (as identified within the document referenced in C1(c)), and a report detailing the revised noise levels and criteria for these receivers, and clearly outlining the noise mitigation, monitoring and management measures that would be applied.

SCHEDULE C –
ADMINISTRATIVE CONDITIONS

TERMS OF APPROVAL

C1. The Proponent shall carry out the Project generally in accordance with the:
   (a) Major Projects Application 08_0252;
   (b) *Flyers Creek Wind Farm Environmental Assessment* (Aurecon May 2011);
   (c) *Flyers Creek Wind Farm - Preferred Project Report* (Infigen May 2013)
   (d) *Flyers Creek Wind Farm – Response to Submissions* (Infigen May 2013)
   (e) conditions of this approval.

C2. In the event of an inconsistency between:
   (a) the conditions of this Approval and any document listed from condition C1(a) to C1(d) inclusive, the conditions of this Approval shall prevail to the extent of the inconsistency; and
   (b) any document listed from condition C1(a) to C1(d) inclusive, and any other document listed from condition C1(a) to C1(d) inclusive, the most recent document shall prevail to the extent of the inconsistency.

C3. The Proponent shall comply with any reasonable requirement(s) of the Director-General arising from the Department's assessment of:
   (a) any reports, plans or correspondence that are submitted in accordance with this Approval; and
   (b) the implementation of any actions or measures contained within these reports, plans or correspondence.

C4. Subject to confidentiality, the Proponent shall make all documents required under this Approval available for public inspection on request.

LIMITS OF APPROVAL

C5. This Approval lapses 5 years after the date of this Approval unless the Proponent has confirmed to the satisfaction of the Director-General that orders have been placed for wind turbines, or demonstrated that work subject of this Approval has been completed on the Site before the date on which the Approval would otherwise lapse under this condition. Work, for the purpose of this condition includes at least one of the following:
   (a) internal track construction;
   (b) civil works associated with the construction of the foundations for the wind turbine footings;
   (c) control room construction;
   (d) electrical substation construction;
   (e) underground cabling; or
   (f) internal overhead transmission line construction.

C6. The project shall not exceed 41 wind turbines (the project is modified to delete turbines 9 and 12, as detailed within Figure 1.4b of the document referenced in C1(c), from the scope of the project). This approval does not authorise the construction of turbines 9 and 12.

C7. Prior to the commencement of construction, the Proponent shall provide written evidence to the satisfaction of the Director-General that the lease agreements with the site landowners have adequate provisions to require that decommissioning occurs in accordance with this Approval, and is the responsibility of the Proponent.

C8. If any wind turbine is not used for the generation of electricity for a continuous period of 12 months, it shall be decommissioned by the Proponent, unless otherwise agreed by the Director-General. The Proponent shall keep independently-verified annual records of the use of wind turbines for electricity generation. Copies of these records shall be provided to the Director-General upon request. The relevant wind turbine and any associated infrastructure is to be dismantled and removed from the site by the Proponent within 18 months from the date that the wind turbine was last used to generate electricity.

STATUTORY REQUIREMENTS

C9. The Proponent shall ensure that all licences, permits and approvals are obtained and maintained as required throughout the life of the Project. No condition of this approval removes the obligation of the Proponent to obtain, renew or comply with such licences, permits or approvals. The Proponent shall ensure that a copy of this approval and all relevant environmental approvals are available on the site at all times during the Project.

C10. For the purpose of section 75S(2)(b) of the EP&A Act, the *relevant provisions*, as defined in section 75S(1A) of the EP&A Act, apply to this approval.

STAGING

C11. The Proponent may elect to construct and / or operate the Project in stages. Where staging is proposed, the Proponent shall submit a Staging Report to the Director-General prior to the commencement of the first proposed stage. The Staging Report shall provide details of:

(a) how the Project 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 Approval, which would apply to each stage and how these shall be complied with across and between the stages of the Project.

Where staging of the Project is proposed, these Conditions of Approval 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 allows submission of the Bird and Bat Adaptive Management Program, as required by condition D8, to be staged.

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

C12. The Proponent shall ensure that all plans, sub-plans and other management documents required by the conditions of this Approval and relevant to each stage (as identified in the Staging Report) are submitted to the Director-General no later than one month prior to the commencement of the relevant stages, unless otherwise agreed by the Director-General.

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

COMPLIANCE

C13. The Proponent shall ensure that employees, contractors and sub-contractors are aware of, and comply with, the conditions of this Approval relevant to their respective activities.

C14. The Proponent 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.

C15. In the event of a dispute between the Proponent and a public authority, in relation to an applicable requirement in this Approval or relevant matter relating to the Project, either party may refer the matter to the Director-General for resolution. The Director-General's determination of any such dispute shall be final and binding on the parties.

SCHEDULE D –
ENVIRONMENTAL PERFORMANCE

BIODIVERSITY

Clearing

D1. The clearing of all native vegetation shall be limited to the minimal extent practicably required as detailed in the Construction Flora and Fauna Management Plan, with no more than 1.1Ha to be cleared, unless otherwise agreed by the Director-General in consultation with the OEH. Details regarding the procedures for clearing vegetation and minimising the extent of clearing shall be clearly included in the Construction Flora and Fauna Management Plan as required by condition F20(f).

D2. Tree trunks and major branches from cleared trees should be used, to the fullest extent practicable, to enhance habitat (coarse woody debris) in rehabilitated areas or in derived native grassland (either in offset areas or areas adjoining impacted areas) and details included in the Construction Flora and Fauna Management Plan required by condition F20(f).

D3. All feasible and reasonable measures shall be undertaken to minimise the clearing of bush rock and significant rocky outcrops and, where removed, their relocation into adjacent areas to provide fauna habitat.

D4. No more than 10 hollow bearing trees shall be removed.

Detailed Design & Micro-Siting

D5. 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.

D6. Where micro-siting is proposed, the Proponent shall identify the project components in the CEMP, and demonstrate how those locations will not give rise to increased landscape, vegetation, cultural heritage, visual amenity, shadow flicker, noise, fire risk or aviation impacts when compared with the approved locations.

D7. 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 Project so as to reduce as far as possible the extent of vegetation disturbance required for the Project.

Bird and Bat Monitoring and Management

D8. Prior to the commencement of construction, the Proponent shall, in consultation with the OEH, prepare and submit for the approval of the Director-General a **Bird and Bat Adaptive Management Program**, which takes into account bird / bat monitoring methods identified in the current editions of AusWEA *Best Practice Guidelines for the Implementation of Wind Energy Projects in Australia* and *Wind Farm and Birds: Interim Standards for Risk Assessment*. The Program shall be prepared and implemented by a suitably qualified expert, approved by the Director-General. The Program shall incorporate Monitoring, and a Decision Matrix that clearly sets out how the Proponent will respond to the outcomes of monitoring. It shall:

(a) incorporate an ongoing role for the suitably qualified expert;

(b) set out monitoring requirements in order to assess the impact of the Project on bird and bat populations, including details on survey locations, parameters to be measured, frequency of surveys and analyses and reporting. The monitoring program shall be capable of detecting any changes to the population of birds and /

or bats that can reasonably be attributed to the operation of the Project, that is, data may be required to be collected prior to the commencement of construction;

(c) incorporate a decision making framework that sets out specific actions and when they may be required to be implemented to reduce any impacts on bird and bat populations that have been identified as a result of the monitoring;

(d) identify 'at risk' bird and bat groups (inclusive of the Superb Parrot), seasons, and / or areas within the Project site which may attract high levels of mortality and include monthly mortality assessments and periodic local population census' and bird utilisation surveys;

(e) identify potential mitigation measures and implementation strategies in order to reduce impacts on birds and bats such as minimising the availability of raptor perches, swift carcass removal, pest control including rabbits, use of deterrents, and sector management including switching off turbines that are predicted to or have had an unacceptable impact on bird / bat mortality at certain times; and

(f) identify matters to be addressed in periodic reports in relation to the outcomes of monitoring, the application of the decision making framework, the mitigation measures identified, progress with the implementation of such measures, and their success.

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

The Proponent is required to implement feasible and reasonable mitigation measures as identified under part (e) where the need for further action is identified through the Bird and Bat Adaptive Management Program, or as otherwise agreed with the Director-General.

Biodiversity Offset Package

D9. Following final design, and prior to commencement of construction in areas requiring native vegetation clearing, or as otherwise agreed to by the Director-General, the Proponent shall develop and submit a Biodiversity Offset Package for the approval of the Director-General. The Package shall detail how the ecological values lost as a result of the Project will be offset. The Biodiversity Offset Package shall be developed in consultation with the OEH and shall (unless otherwise agreed by the Director-General) include, but not necessarily be limited to:

(a) the identification of the extent and types of habitat that would be lost or degraded as a result of the final design of the Project;

(b) the objectives and biodiversity outcomes to be achieved (including 'improve or maintain' biodiversity values), and the adequacy of the proposed offset considered;

(c) the final suite of the biodiversity offset measures selected and secured, including but not necessarily limited to:

  i. an offset proposal which is supported by a suitable metric method (such as the Biobanking Assessment Methodology);

  ii. details of the relative condition and values of communities on the offset site in comparison to those to be impacted, including all areas of derived native grassland in moderate to good condition; and

  iii. proposed management actions and expected gains;

(d) the monitoring requirements for compensatory habitat works and other biodiversity offset measures proposed to ensure the outcomes of the package are achieved, including:

i. the monitoring of the condition of species and ecological communities at offset locations;
ii. the methodology for the monitoring program(s), including the number and location of offset monitoring sites, and the sampling frequency at these sites; and
iii. provisions for the annual reporting of the monitoring results for a set period of time as determined in consultation with the OEH;

(e) timing and responsibilities for the implementation of the provisions of the Package;
(f) evidence that the offset(s) has been acquired and / or is permanent and secure prior to the commencement of construction;
(g) how securing the site addresses the residual impacts of the action on threatened species;
(h) proposed long term funding for management actions as well as roles and responsibilities; and
(i) key milestones, performance indicators, corrective actions and timeframes for the completion of all actions outlined in the Package

Land offsets shall be consistent with the *Principles for the use of Biodiversity Offsets in NSW* (OEH, 2011). Any land offset shall be enduring and be secured by a conservation mechanism which protects and manages the land in perpetuity. Where land offsets cannot solely achieve compensation for the loss of habitat, additional measures shall be provided to collectively deliver an improved or maintained biodiversity outcome for the region.

Where monitoring indicates that biodiversity outcomes are not being achieved, feasible and reasonable remedial actions shall be undertaken to ensure that the objectives of the Biodiversity Offset Package are achieved.

WATER QUALITY AND HYDROLOGY

D10. Except as may be provided by an EPL, the Project shall be constructed and operated to comply with section 120 of the *Protection of the Environment Operations Act 1997*, which prohibits the pollution of waters.

D11. Waterway crossings shall be designed and constructed in consultation with NOW and DPI (Fisheries) and 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).*

NOISE

D12. Any overhead transmission line associated with the Project shall be designed, constructed and operated to minimise the generation of corona and aeolian noise as far as feasible and reasonable at nearest existing sensitive receivers.

HAZARDS AND RISK

D13. Dangerous goods, as defined by the Australian Dangerous Goods Code, shall be stored and handled strictly 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

D14. Prior to the commencement of construction, the Proponent shall consult with:

(a) aerodrome operators that have an aerodrome located within 30 kilometres of the boundaries of the 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, inclusive of the redesign of the Non-Directional Beacon Approach (if required);

(c) Aerial Agriculture Association Australia, to determine potential hazards to aerial application and related operations; and

(d) Rural Fire Service, to determine potential hazards to the aerial fighting of fires.

Feasible and reasonable mitigation 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.

D15. Prior to the commencement of construction, the Proponent shall provide the following information to the Civil Aviation Safety Authority, Airservices Australia, Royal Australian Air Force - Aeronautical Information Services, 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.

D16. Should increases to the costs of aerial agricultural spraying on any non-associated property surrounding the site be attributable to the operation of the Project, the Proponent shall fully fund to the affected landowner, the reasonable cost difference between pre-construction aerial agricultural spraying and the increased cost, as agreed between the relevant parties.

Radio Communication

D17. Prior to the commencement of construction, the Proponent 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 Project) arise as a result of the Project, the Proponent 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 Proponent;

(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.

Bushfire Risk

D18. The Proponent shall ensure that all Project components on site are designed, constructed and operated to minimise ignition risks, provide for asset protection consistent with relevant RFS design guidelines (*Planning for Bushfire Protection 2006* and *Standards for Asset Protection*) and provide for necessary emergency management including appropriate fire-fighting equipment and water supplies on site to respond to a bush fire.

D19. The Proponent shall ensure that the substation and any other new buildings shall be constructed to comply with the Australian Standard AS3959-2009 *Construction of buildings in bushfire-prone areas.*

D20. 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.

D21. Sufficient water storage (determined in consultation with the local RFS) shall be provided for fire fighting purposes.

D22. Throughout the operational life of the Project, the Proponent shall regularly consult with the local RFS about details of the Project, including the construction timetable and the final location of all infrastructure on the site. The Proponent shall comply with any reasonable request of the local RFS to reduce the risk of bushfire and to enable fast access in emergencies.

VISUAL AMENITY

Views

D23. All non-associated receptors whose dwellings may be subject to moderate to high visual impact, as defined in the EA, shall be consulted regarding impact minimisation measures. The outcomes of this consultation process shall be used to inform the Design and Landscape Plan, required under condition D31.

D24. At the request of any owners of non-associated residential dwellings or businesses or the Errowanbang Public School with views of a turbine(s) located within five kilometres of their dwellings, business or school, the Proponent shall provide and bear the full cost of reasonable landscaping treatments to visually screen these dwellings. Such a request may be made in writing by the owner of the dwelling within six months from the commencement of operation of the Project, and landscaping treatments agreed between the parties shall 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 Director-General for resolution. The Director-General's decision on such a referral shall be final and binding on the parties.

D25. Landscaping works to reduce the visual impact of the Project shall generally comprise of indigenous and locally occurring species.

Turbine and Associated Infrastructure External Design

D26. The Proponent shall maximise the use of building materials and treatments for associated infrastructure which visually complement the surrounding environment.

D27. The turbines shall be painted matt off-white / grey. The blades shall be finished with a surface treatment that minimises any potential for glare or reflection. No advertising, signs or logos shall be mounted on the turbines, except where required for safety purposes.

Shadow Flicker

D28. Shadow flicker from the Project must not exceed 30 hours / annum at any residence not associated with the Project (inclusive of the residence known as residence number 14 ("Willow Park"), 24 and 56 ("Cooramilla") (as identified within the document referenced in C1(c) if no agreement has been obtained in accordance with B1b)).

Substation

D29. The substation and associated facility site shall be designed and constructed to minimise visual intrusion to the nearest sensitive receivers as far as feasible and reasonable including appropriate external finishes to minimise glare or reflection, landscape planting to screen views and external lighting requirements in accordance with condition D30.

Night Lighting

D30. With the exception of aviation hazard lighting implemented in accordance with the requirements of this condition, no external lighting other than low intensity security night lighting is permitted on site unless otherwise agreed or directed by the Director-General, or required by Civil Aviation Safety Authority.

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

Design and Landscape Plan

D31. A **Design and Landscaping Plan** shall be prepared to outline measures to ensure appropriate development and maintenance of landscaping on the site to achieve adequate landscape buffers and address the visual impacts arising from the Project, including turbines, site access roads and associated above ground infrastructure, as far as is feasible and reasonable.

The Plan shall be prepared by a qualified landscape architect and where relevant meet any requirements of Council. The Plan shall include design treatments for the turbines and ancillary infrastructure, including, but not necessarily limited to:

(a) the landscape screening measures at non-associated residences in close proximity to the Project site and along nearby roadsides to screen potential moderate to significant views of the Project, including an outline of additional measures available for requested landscaping treatments;
(b) landscape elements and built elements, including proposed treatments, finishes and materials of exposed surfaces (including colour specifications);
(c) lighting;
(d) a schedule of species to be used in landscaping;
(e) details of the timing and progressive implementation of landscape works; and
(f) procedures and methods to monitor and maintain landscaped areas.

The Plan shall be submitted for the approval of the Director-General prior to the commencement of permanent built works and / or landscaping, unless otherwise agreed by the Director-General. The Plan may be submitted in stages to suit the staged construction program of the Project.

UTILITIES AND SERVICES

D32. 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 Project shall be undertaken to make suitable 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 Proponent.

WASTE MANAGEMENT

D33. The Proponent shall not cause, permit or allow any waste generated outside the site to be received at the site for storage, treatment, processing, reprocessing, or disposal on the site, except as expressly permitted by a licence under the *Protection of the Environment Operations Act 1997*, if such a licence is required in relation to that waste.

D34. The Proponent shall maximise the reuse and / or recycling of waste materials generated on site by the Project, to minimise the need for treatment or disposal of those materials outside the site.

D35. The Proponent shall ensure that no green waste associated with the Project is burnt on site during the life of the Project.

D36. The Proponent shall ensure that all liquid and / or non-liquid waste generated on the site is assessed and classified in accordance with *Waste Classification Guidelines* (DECC, 2008), or any future guideline that may supersede that document, and where removed from the site is only directed to a waste management facility lawfully permitted to accept the materials.

PROPERTY IMPACTS

Crown Land

D37. Prior to the commencement of construction of the Project, the Proponent shall consult with and comply with the requirements of the NSW Crown Lands Division in relation to any Crown land affected by the Project to enable the lawful use of that land by the Project.

Trigonometric Reserves

D38. Disturbance to Trigonometric Reserves shall be avoided during the life of the Project, unless otherwise approved by the Surveyor General and the relevant licence under the *Crown Lands Act 1989* is obtained by the Proponent.

Mineral Resources

D39. Prior to the commencement of relevant construction works, the Proponent shall consult with the Department of Trade & Investment, Regional Infrastructure & Services (Mineral Resources section) and holders of mineral, mining and exploration titles or tenements, with respect to measures to be applied during construction and operation of the Project so as to minimise the potential for any sterilisation of resources on the tenement.

SCHEDULE E –
COMMUNITY INFORMATION, REPORTING AND AUDITING

COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

Community Consultative Committee

E1. The Proponent shall continue operation of the **Community Consultative Committee** for the life of the Project, unless otherwise agreed by the Director-General. The Proponent shall ensure the Committee is in operation prior to commencement of construction, and operate in a manner 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 Director-General. The Community Consultative Committee should include representation by Errowanbang Public School, if accepted by the school.

Complaints and Enquiries Procedure

E2. Prior to the commencement of construction, or as otherwise agreed by the Director-General, the Proponent shall ensure that the following are available for community enquiries and complaints for the life of the Project (including construction and operation) or as otherwise agreed by the Director-General:

(a) a 24 hour telephone number(s) on which complaints and enquiries about the Project 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 enquiries may be transmitted; and

(d) a complaints management and mediation system for complaints unable to be resolved.

The telephone number, the postal address and the email address shall be published in newspaper(s) circulating in the local area 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 Approval.

E3. Prior to the commencement of construction, or as otherwise agreed by the Director-General, the Proponent shall prepare and implement a **Complaints Management System** consistent with *AS 4269: Complaints Handling* and maintain the System for the life of the Project.

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 Approval. The information contained within the System shall be made available to the Director-General on request.

Provision of Electronic Information

E4. Prior to the commencement of construction, or as otherwise agreed by the Director-General, the Proponent shall establish and maintain a new website, or dedicated pages within an existing website, for the provision of electronic information associated with the Project, for the life of the Project. The Proponent 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 Project;

(b) a copy of the documents referred to under condition C1 of this Approval, and any documentation supporting modifications to this Approval that may be granted;

(c) a copy of this Approval and any future modification to this Approval;
(d) a copy of each relevant environmental approval / consent, licence or permit required and obtained in relation to the Project;
(e) a copy of each current strategy, plan, program or other document required under this Approval;
(f) the outcomes of compliance tracking in accordance with condition E5 of this Approval; 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

E5. The Proponent shall develop and implement a **Compliance Tracking Program** to track compliance with the requirements of this Approval. The Program shall be submitted to the Director-General for approval prior to the commencement of construction and operate for the life of the Project. The Program shall include, but not necessarily be limited to:
(a) provisions for the notification of the Director-General prior to the commencement of construction and prior to the commencement of operation of the Project (including prior to each stage, where works are being staged);
(b) provisions for periodic review of the compliance status of the Project against the requirements of this Approval;
(c) provisions for periodic reporting of compliance status to the Director-General, including a Pre-Construction Compliance Report, during construction reporting, and a Pre-Operation Compliance Report;
(d) a program for independent environmental auditing in accordance with *ISO 19011:2003 - Guidelines for Quality and / or Environmental Management Systems Auditing*;
(e) mechanisms for recording environmental incidents during construction, and actions taken in response to those incidents;
(f) provisions for reporting environmental incidents to the Director-General and relevant public authorities (including Blayney Shire Council) during construction and for the life of the Project;
(g) procedures for rectifying any non-compliance identified during environmental auditing, and 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 Approval relevant to their respective activities.

Incident Reporting

E6. The Proponent shall notify the Director-General within 24 hours of becoming aware of the incident of any incident with actual or potential significant off-site impacts on people or the biophysical environment. The Proponent shall provide full written details of the incident to the Director-General within seven days of the date on which the incident occurred.

E7. The Proponent shall meet the requirements of the Director-General to address the cause(s) or impact of any incident, as it relates to this Approval, reported in accordance with condition E6 of this Approval, within such period as the Director-General may require.

OPERATIONAL PERFORMANCE

Operation Performance Audit Report

E8. Within fifteen months of the completion of construction, and at any other time required by the Director-General, the Proponent shall commission an independent qualified person or team to undertake an **Operational Performance Audit** of the Project. The independent person or team shall be approved by the Director-General prior to the commencement of the Audit. The Operational Performance Audit Report shall be submitted to the Director-General within one month of the completion of the Audit, unless otherwise agreed by the Director-General. The Audit shall:

(a) assess compliance with the requirements of this Approval, and other licences and approvals that apply to the Project;

(b) assess the operational performance of the Project against the aims and objectives for the Project specified in the documents referred to under condition C1 of this Approval;

(c) assess the environmental performance of the Project against the predictions made and conclusions drawn in the documents referred to under condition C1 of this Approval; and

(d) review the effectiveness of the environmental management of the Project, including any environmental impact mitigation works.

The Operational Performance Audit shall be made publicly available on the website (in accordance with condition E4), and a copy provided to Blayney Shire Council within two months of completion.

SCHEDULE F –
CONSTRUCTION ENVIRONMENTAL MANAGEMENT

DUST GENERATION

F1. The Project shall be constructed in a manner that minimises dust emissions from the site, including wind-blown and traffic-generated dust and tracking of material onto public roads. All Project related activities on the site shall be undertaken with the objective of preventing visible emissions of dust from the site. Should such visible dust emissions occur at any time, the Proponent shall identify and implement all feasible and reasonable dust mitigation measures, including cessation of relevant works as appropriate such that emissions of visible dust cease.

HERITAGE

F2. In undertaking the Project, impacts to heritage, shall to the greatest extent practicable, be avoided and minimised. Where impacts as assessed in the EA are unavoidable, works shall be undertaken in accordance with the strategy outlined in the Construction Heritage Management Plan required by condition F20(e).

NOISE AND VIBRATION

Construction Hours

F3. Construction activities associated with the Project 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.

F4. Construction works outside of the standard construction hours identified in condition F3 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 F20(b).

F5. Except as expressly permitted by the 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

F6. The Project 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 F20(b).

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.

F7. The Project 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).

F8. Airblast overpressure generated by blasting associated with the Project shall not exceed the criteria specified in Table 1 when measured at the most affected residence or other sensitive receiver.

Table 1- Airblast overpressure criteria

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

F9. Ground vibration generated by blasting associated with the Project shall not exceed the criteria specified in Table 2 when measured at the most affected residence or other sensitive receiver.

Table 2 – Peak particle velocity criteria

Receiver	Peak particle velocity (mm/s)	Allowable exceedance
Residence on privately owned land	**5**	5% of total number of blasts over a 12 month period
	10	0%
Historic heritage item	**3**	0%

PROPERTY IMPACTS

F10. 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 Project shall be reinstated by the Proponent to at least an equivalent standard, in consultation with the affected property owner.

F11. Any damage caused to property as a result of the Project shall be rectified or the property owner compensated, within a reasonable timeframe, with the costs borne by the Proponent.

SOIL, WATER QUALITY AND HYDROLOGY

Construction Soil and Water Management

F12. 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 Project to minimise soil erosion and the discharge of sediment and other pollutants to land and / or waters.

F13. Where available, and of appropriate chemical and biological quality, stormwater, recycled water or other water sources shall be used in preference to potable water for construction activities, including concrete mixing and dust control.

F14. 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.

TRAFFIC AND TRANSPORT

F15. Unless otherwise agreed by the Director-General, the Proponent 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 construction, 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 construction and operational vehicles associated with the Project (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 Proponent shall implement these in consultation with the relevant road authority, prior to the commencement of construction and at the full expense of the Proponent; 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 construction to determine whether the existing road condition can accommodate the proposed over-mass and / or over-dimensional haulage. Where improvements are required, the Proponent shall implement these in consultation with the relevant road authority, prior to the commencement of construction and at the full expense of the Proponent.

Upon determining the haulage route(s) for construction vehicles associated with the Project, and prior to construction, the Proponent shall 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 construction of the Project. The Report shall be submitted to the relevant road authority for review prior to the commencement of haulage.

Within three months of completion of construction, a subsequent Report shall be prepared to assess any damage that may have resulted from the construction of the Project (including mechanisms to restore any damage) and submitted to the relevant road authority for review.

Measures undertaken to restore or reinstate roads affected by the Project shall be undertaken in accordance with the reasonable requirements of the relevant road authority (including timing requirements), and at the full expense of the Proponent.

ANCILLARY FACILITIES

F16. Unless otherwise approved by the Director-General, the location of Ancillary Facilities shall:

(a) be located more than 50 metres from a waterway;
(b) be located within or adjacent to the Project;
(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 Project;
(h) not impact on heritage sites (including areas of archaeological sensitivity) beyond those already impacted by the Project;
(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 F19 and include consideration of the above criteria. Where the above criteria cannot be met for any proposed Ancillary Facility, the Proponent shall demonstrate to the satisfaction of the Director-General 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.

F17. All construction ancillary facility sites shall be rehabilitated to at least their pre-construction condition, unless otherwise agreed by the affected landowner.

ENVIRONMENTAL REPRESENTATIVE

F18. Prior to the commencement of construction of the Project, or as otherwise agreed by the Director-General, the Proponent shall nominate for the approval of the Director-General a suitably qualified and experienced Environmental Representative(s) that is independent of the design and construction personnel. The Proponent shall employ the Environmental Representative(s) for the duration of construction and operation, or as otherwise agreed by the Director-General. The Environmental Representative(s) shall:

(a) be the principal point of advice in relation to the environmental performance of the Project;
(b) monitor the implementation of environmental management plans and monitoring programs required under this Approval and advise the Proponent upon the achievement of these plans / programs;
(c) have responsibility for considering and advising the Proponent on matters specified in the conditions of this Approval, and other licences and approvals related to the environmental performance and impacts of the Project;

(d) ensure that environmental auditing is undertaken in accordance with the Proponent'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 F19;

(f) be given the authority and independence to require reasonable 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 of the Project where the resolution of points of conflict between the Proponent and the community is required.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

F19. Prior to the commencement of construction, or as otherwise agreed by the Director-General, the Proponent shall prepare and implement (following approval) a **Construction Environmental Management Plan** for the Project. The Plan shall outline the environmental management practices and procedures that are to be followed during construction, and shall be prepared in consultation with the relevant government agencies (including Blayney Shire Council and Department of Education and Communities), 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 construction of the Project (including staging and scheduling);

(b) statutory and other obligations that the Proponent is required to fulfil during construction, including approvals / 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 construction of the Project, 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 Approval;

(d) an environmental risk analysis to identify the key environmental performance issues associated with the construction phase; and

(e) 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 any impacts arising from the staging of the construction of the Project). 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. management of Aboriginal and non-Aboriginal heritage;
vii. soil contamination, hazardous material and waste management;
viii. management of ecological impacts; and
ix. hazard and risk management.

The Plan shall be submitted for the approval of the Director-General no later than one month prior to the commencement of construction, or as otherwise agreed by the Director-General. The Plan may be prepared in stages, however, construction works for each stage shall not commence until written approval has been received from the Director-General.

The approval of a Construction Environmental Management Plan does not relieve the Proponent of any requirement associated with this Approval. If there is an inconsistency with an approved Construction Environmental Management Plan and the conditions of this Approval, the requirements of this Approval prevail.

F20. As part of the Construction Environmental Management Plan for the Project required under condition F19 the Proponent shall prepare and implement:

(a) a **Construction Compound and Ancillary Facilities Management Plan** to detail the management of construction ancillary facilities associated with the Project. 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 F16;
iv. details of the 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 **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 Project stipulated in this approval;
ii. details of construction activities and an indicative schedule for construction works, 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 program, 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 F3, 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 Director-General'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 Director-General; and

vii. mechanisms for the monitoring, review and amendment of this Plan.

(c) a **Construction Traffic and Access Management Plan** to manage construction traffic and access impacts of the Project. The Plan shall be developed in consultation with the relevant road authority and shall include, but not necessarily be limited:

i. identification of construction traffic routes and construction traffic volumes (including heavy vehicle / spoil haulage / material haulage) on these routes;

ii. details of vehicle movements for construction sites and site compounds including parking, dedicated vehicle turning areas, and ingress and egress points;

iii. identification of construction impacts that could result in disruption of traffic, public transport (inclusive of school buses), pedestrian and cycle access, property access, including details of oversize load movements;

iv. details of management measures to minimise traffic impacts, including temporary road work traffic control measures, onsite vehicle queuing and parking areas and management measures to minimise peak time congestion (including on school buses), and measures to ensure safe pedestrian and cycle access;

v. a response plan which sets out a proposed response to any traffic, construction or other incident; and

vi. mechanisms for the monitoring, review and amendment of this Plan.

(d) A **Construction Soil and Water Quality Management Plan** to manage surface and groundwater impacts during construction of the Project. The plan shall be developed in consultation with NOW and Blayney 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 Project 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.

(e) a **Construction Heritage Management Plan** to detail how construction impacts on Aboriginal and Historic heritage will be minimised and managed. The Plan shall be developed in consultation with the OEH and registered Aboriginal stakeholders (for Aboriginal heritage), and 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 Project area;
   - 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 Project;
   - 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 re-commence 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 Project, 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 Approval and *National Parks and Wildlife Act 1974* (where relevant) including site identification, protection and conservation of Aboriginal cultural heritage;
   - procedures for ongoing Aboriginal consultation and involvement for the duration of the Project, and ensure that the Orange Local Aboriginal Land Council (administrator) and Wiradjuri Traditional Owners Central West Corporation is kept informed of the process; and
   - mechanisms for the monitoring, review and amendment of this plan.

ii. in relation to Historic Heritage:
   - identification of heritage items directly and indirectly affected by the Project;
   - details of management measures to be implemented to prevent and minimise impacts on heritage items (including further heritage investigations, archival recordings and / or measures to protect unaffected sites during construction works in the vicinity);
   - 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 Project;

- 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 non-Aboriginal cultural heritage; and
- mechanisms for the monitoring, review and amendment of this plan.

(f) a **Construction Flora and Fauna Management Plan** to detail how construction impacts on ecology will be minimised and managed. The Plan shall be developed in consultation with the OEH and shall include, but not necessarily be limited to:

i. plans for impacted and adjoining areas showing vegetation communities; important flora and fauna habitat areas; locations where threatened species, populations or ecological communities have been recorded; including pre-clearing surveys to confirm the location of threatened flora and fauna species and associated habitat features;
ii. the identification of areas to be cleared and details of management measures (such as fencing, clearing procedures, removal and relocation of fauna during clearing, habitat tree management and construction worker education) to avoid any residual habitat damage or loss and to minimise or eliminate time lags between the removal and subsequent replacement of habitat;
iii. rehabilitation details, including identification of flora species and sources, and measures for the management and maintenance of rehabilitated areas;
iv. weed management measures focusing on early identification of invasive weeds and effective management controls;
v. a description of how the effectiveness of these actions and measures would be monitored, 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;
vi. a procedure for dealing with unexpected EEC / threatened species identified during construction, including cessation of work and notification of the OEH and the Department, determination of appropriate mitigation measures in consultation with the OEH (including relevant re-location measures) and updating of ecological monitoring and / or biodiversity offset requirements; and
vii. mechanism for the monitoring, review and amendment of this Plan.

(g) 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 program to assess compliance with the identified objectives; and
v. mechanisms for the monitoring, review and amendment of this Plan.

(h) 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 local RFS Fire Control Centre for works proposed to be carried out during high fire danger periods to ensure weather conditions are appropriate..

SCHEDULE G –
OPERATION ENVIRONMENTAL MANAGEMENT

HAZARD AND RISK

Bushfire Risk

G1. Throughout the operational life of the Project, the Proponent shall regularly consult with the RFS to ensure its familiarity with the Project. The Proponent shall comply with any reasonable request of the RFS to reduce the risk of bushfire and to enable fast access in emergencies.

Safety Management System

G2. At least two months prior to the commencement of commissioning, the Proponent shall prepare a report outlining a comprehensive **Safety Management System**, covering all on-site systems relevant to ensuring the safe operation of the Project. 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 programs for the maintenance and testing of the safety related equipment to ensure its integrity over the life of the Project; and

(b) an outline of a documented procedure for the management of change.

Television, Radio and Telephone/Internet Interference

G3. Prior to the commencement of commissioning of the Project, the Proponent 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 five kilometres of any wind turbine.

G4. In the event of a complaint from a receptor located within five kilometres of a wind turbine regarding television / radio / telephone / internet transmission during the operation of the Project, the Proponent 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 Project, rectify the problems 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 feasible measures.

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

REHABILITATION AND REVEGETATION

G5. 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 G6.

G6. The Proponent shall implement a revegetation and rehabilitation programme for all areas of the Project footprint which are disturbed during the construction of the Project, which are not required for the ongoing operation of the Project, including temporary construction facility sites and sections of construction access roads. The Proponent shall ensure that all revegetation measures are implemented progressively where possible and in all cases within six months of the cessation of construction activities at the relevant area. Unless otherwise agreed to by the Director-General, the Proponent shall monitor and maintain the health of all revegetated areas until such time that the plantings have been verified by an independent and suitably qualified expert (whose appointment has been agreed to by the Director-General) as being well established, in good health and self sustaining.

NOISE

Operational Noise Criteria – Wind Turbines

G7. The Project shall be designed, operated and maintained to ensure that the equivalent noise level ($L_{Aeq\ (10\text{-}minute)}$) from the Project does not exceed at any residential receiver (and the Errowanbang Public School) (excluding those associated with the wind farm, except for the residence known as residence number 14 ("Willow Park"), 24 and 56 ("Cooramilla") (as detailed within the document referenced in C1(c)) if no agreement has been obtained in accordance with B1b)) in existence or the subject of a valid development consent at the date of this Approval:

(a) 35 dB(A); or

(b) the existing background noise level ($L_{A90\ (10\text{-}minute)}$) (as identified in the Proponent's Environmental Assessment – Appendix G1) correlated to the integer wind speed at hub height at the wind farm site by more than 5 dB(A), developed in consultation with the EPA,

whichever is the greater, for each integer wind speed (measured at hub height) from cut-in to rated power of the wind turbine generator, as determined with reference to the *South Australian Environment Protection Authority Wind Farm Guidelines 2003*.

G8. The Proponent shall prepare a revised **Noise Assessment** for the final turbine model and turbine layout selected, in consultation with the EPA, which shall be submitted to the Director-General prior to commissioning of the 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 EA and the ability of the final turbine model and layout to meet the requirements of condition G7. The assessment shall include a discussion of the difference of the spectral noise signature between the final turbine model and the original turbine model used within the EA noise assessment.

G9. Noise from the Project is to be measured at the most affected point within the residential or Errowanbang Public School boundary, or at the most affected point within 30 metres of the dwelling or Errowanbang Public School buildings, where the dwelling or Errowanbang Public School building is more than 30 metres from the boundary, to determine compliance with the noise level limits in condition G7.

G10. For the purposes of condition G7 of this Approval, 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*.

If tonality is found to be a repeated characteristic of the wind turbine noise, 5dB(A) should be added to measured noise level 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 25Hz to 10KHz 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.

G11. Notwithstanding condition G7 of this Approval, the noise limits specified under those conditions do not apply to any residence where a noise agreement is in place between the Proponent 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).

Operational Noise Criteria – Substation

G12. The substation shall be designed, constructed, operated and maintained to ensure that the noise contributions from those components to the background acoustic environment do not exceed the maximum allowable noise contributions specified in Table 3, at the nearest existing sensitive receptor to the substation. The maximum allowable noise contributions apply under wind speeds up to 3 ms-1 (measured at 10 metres above ground level), or under temperature inversion conditions of F class atmospheric stability category, and wind speeds of up to 2m/s at 10 metres above the ground.

Table 3 – Substation Noise Criteria

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

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

(a) measured at the most affected point within the residential boundary or at the most affected point within 30 metres of the dwelling where the dwelling is more than 30 metres from the boundary to determine compliance with the $L_{Aeq(15\ minute)}$ noise limits;

(b) measured at one metre from the dwelling façade to determine compliance with the $L_{A1\ (1\ minute)}$ noise limits; and

(c) subject to the modification factors provided in Section 4 of the *New South Wales Industrial Noise Policy* (EPA, 2000), where applicable.

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

G13. The requirements of condition G12 do not apply if a negotiated agreement consistent with the requirements of Section 8.3 of the *New South Wales Industrial Noise Policy* (EPA, 2000), exists between the Proponent and the relevant sensitive receptor.

Verification of Operational Noise

G14. The Proponent shall prepare a **Noise Compliance Plan** which shall be submitted to the Director-General prior to 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 Project against the noise predictions / criteria contained in condition G7;

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

The Noise Compliance Plan shall be undertaken generally in accordance with the procedures presented in the *South Australian Environment Protection Authority Wind Farm Guidelines 2003*.

G15. 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 G7, the Proponent 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 Director-General for approval within such period as the Director-General may require.

Remedial measures shall include, in the first instance, all feasible and reasonable measures to reduce noise from the Project, including but not necessarily limited to reduced operation of wind turbines. Once all feasible and reasonable 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 at the absolute discretion of 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.

G16. The Proponent shall provide written notice to all landowners who are entitled to rights under condition G15 within 21 days of determining the landholdings to which these rights apply. For the purpose of condition G15, this condition only applies where operational noise levels have been confirmed in accordance with condition G14.

G17. The Proponent shall bear the costs of any additional at-receiver mitigation measures implemented at an affected property.

G18. Any landowner or resident whose residence is within 3 kilometres of a turbine (inclusive of Errowanbang Public School) may ask the Director-General in writing for an independent review of the noise impacts of the Project on his / her land. If the Director-General is satisfied that an independent review is warranted, then the Director-General may require the Proponent to commission a suitably qualified independent expert, whose appointment has been agreed to by the Director-General, to consult with the landowner / resident to determine his / her concerns, and conduct monitoring to determine whether the Project complies with the criteria identified in condition G7.

The results of the monitoring shall be reported to the Director-General 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 G7, as relevant, the provisions of conditions G15 to G17 apply.

OPERATIONAL ENVIRONMENTAL MANAGEMENT PLAN

G19. Prior to the commencement of operation, or as otherwise agreed by the Director-General, the Proponent shall prepare and implement (following approval) an **Operation Environmental Management Plan** for the Project. 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 Project (including staging and scheduling);

(b) statutory and other obligations that the Proponent is required to fulfil during operation, including approval / consents, 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 Project;

(d) a description of the roles and responsibilities for relevant employees involved in the operation of the Project, 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 Project; 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 EA (and any impacts arising from the staging of the construction of the Project).

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

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

G20. As part of the Operation Environmental Management Plan required under condition G19, the Proponent shall prepare and implement

a. an **Operation Noise Management Plan** to outline measures to minimise noise emissions from the operation of the Project. 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 G7 and G12, as they apply to identified receivers. This should include identification of monitoring requirements;

(ii) identification and implementation of best practice management techniques for minimisation of noise emissions where feasible and reasonable; and

(iii) procedures and corrective actions to be undertaken if non-compliance is detected.

b. a Bushfire Management Plan to detail measures to prevent 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 local RFS Fire Control Centre for works proposed to be carried out during high fire danger periods to ensure weather conditions are appropriate.

(v) Managing operations to assist bush fire fighting in the vicinity of the wind farm (e.g potentially switching off turbines).

SCHEDULE H –
ADDITIONAL PROCEDURES

DECOMMISSIONING

H1. Unless otherwise agreed by the Director-General, within 18 months of the cessation of operation of the Project, the site shall be decommissioned and returned by the Proponent, as far as practicable, to its condition prior to the Project commencement, in consultation with the relevant landowner(s) and to the satisfaction of the Director-General (and in accordance with the Decommissioning and Rehabilitation Plan included in the Flyers Creek Wind Farm Response to Submissions (May 2013)).

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 Director-General. Project related infrastructure (including access roads) may only be retained on site, where the Proponent has demonstrated to the satisfaction of the Director-General prior to the commencement of decommissioning, that these components: are permissible under the site's statutory landuse provisions in force upon commencement of the decommissioning; would not pose an ongoing impediment to permissible landuse at the properties; and their retention has been agreed to in writing (with evidence provided to the Director-General) 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 Proponent shall update the **Decommissioning and Rehabilitation Plan** every five years from the date of preparation, until decommissioning and rehabilitation is completed, and a copy of the updated versions provided to the Director-General 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. 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.

H4. Unless otherwise agreed by the Director-General, the Proponent 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 Project (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 Proponent shall implement these in consultation with the relevant road authority, prior to the commencement of decommissioning and at the full expense of the Proponent; 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 Proponent shall implement these

in consultation with the relevant road authority, prior to the commencement of decommissioning and at the full expense of the Proponent.

Upon determining the haulage route(s) for decommissioning vehicles associated with the Project, 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 Project. The Report shall be submitted to the relevant road authority for review prior to the commencement of haulage.

Within three months of completion of decommissioning, a subsequent Report shall be prepared to assess any damage that may have resulted from the construction of the Project (including mechanisms to restore any damage) and submitted to relevant road authority for review.

Measures undertaken to restore or reinstate roads affected by the Project shall be undertaken in accordance with the reasonable requirements of the relevant road authority (including timing requirements), and at the full expense of the Proponent.

H5. Prior to the commencement of decommissioning, or as otherwise agreed by the Director-General, the Proponent shall prepare and implement (following approval) a **Decommissioning Environmental Management Plan** for the Project. 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 Project (including staging and scheduling);

(b) statutory and other obligations the Proponent 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 Project, 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 Approval;

(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 Project). 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 Director-General no later than one month prior to the commencement of decommissioning, or as otherwise agreed by the Director-General. The Plan may be prepared in stages, however, decommissioning

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