



Bango Wind Farm (Mod 1)

*State Significant
Development
Modification Assessment
(SSD 6686 MOD 1)*

May 2019

© Crown Copyright, State of NSW through its Department of Planning and Environment 2019

Cover photo

Source: Department of Planning and Environment Image Database (<https://images.planning.nsw.gov.au>)

Disclaimer

While every reasonable effort has been made to ensure this document is correct at time of printing, the State of NSW, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance or upon the whole or any part of this document.

Copyright notice

In keeping with the NSW Government's commitment to encourage the availability of information, you are welcome to reproduce the material that appears in this report. This material is licensed under the Creative Commons Attribution 4.0 International (CC BY 4.0). You are required to comply with the terms of CC BY 4.0 and the requirements of the Department of Planning and Environment. More information can be found at: <http://www.planning.nsw.gov.au/Copyright-and-Disclaimer>.



Executive Summary

Bango Wind Farm Pty Ltd on behalf of CWP Renewables Pty Ltd (CWP Pty Ltd, the Applicant) has approval to construct and operate the Bango Wind Farm (the project) between Yass and Boorowa in the Southern Tablelands region of New South Wales.

In March 2011, the Applicant applied to the Department of Planning and Environment for development consent to develop the project including the construction, operation, maintenance and the decommissioning of up to 122 wind turbines and associated ancillary infrastructure. The project was classified as state significant development. Under Section 4.36 of the EP&A Act and the criteria in schedule 1 to *State Environmental Planning Policy (State and Regional Development) 2011*. The application for development consent for the Bango Wind Farm was designated as State Significant Development Application Number 6686.

Following an amendment, the Applicant sought consent for the construction, operation, maintenance and the decommissioning of up to 75 wind turbine and associated ancillary infrastructure s.

On 23 February 2018, the Department referred the application for development consent to the Independent Planning Commission (Commission) for determination as the Department has received more than 25 submissions from the public in the nature of objections.

On 1 May 2018, the Commission granted the application for development consent for the Bango Wind Farm. This approval allowed for the construction and operation of up to 71 wind turbines and associated ancillary infrastructure including one substation, located at one of three proposed locations, and a grid connection.

On 25 May 2018, a third party appeal was made to the Land and Environment Court (Court), by several landowners challenging the granting of the Commission consent. On 6 December 2018, an agreement was reached during a conciliation conference ordered pursuant to section 34 of the *Land and Environment Court Act 1979*, which resulted in the Court granting the Applicant an amended development consent which included:

- the construction, operation and decommissioning of up to 46 wind turbines; and
- associated infrastructure including on-site electrical infrastructure including a substation at one of three locations; and
- a grid connection.

This assessment report is provided to assist the Court in determining the application.

Proposed Modification

On 13 May 2019, the applicant filed a modification application to the Court pursuant to section 4.55(8) of the EP&A Act 1979 to modify the Court consent to:

- subdivide the project to allow for the creation of one freehold lot to allow for the construction of infrastructure described by the EIS as a 'Collector Substation' (substation here onwards) (with an approximate area of 150 metres by 150 metres); and
- subdivide the project to allow for the registration of long-term leases over the relevant areas of the Project Site for the wind turbines and permanent operations facility; and

The Applicant intends to amend the modification application to the Court to add two lots to the project site to accommodate the oversail of the wind turbine blades.

The applicant noted:

- TransGrid would obtain freehold title through transfer, dedication or acquisition for the collector substation; and

- it has entered into agreements with each of the registered proprietors that provide options for the Applicant to lease or license parts of the lots listed in Appendix 1 of the Development Consent, Crown road and council land for the purpose of financing, construction operation and decommissioning of the Project. The leases would be for a duration in excess of 5 years.

Statutory Context

The proposed modification has been lodged to the Court and the Court is able to modify the consent under Section 4.55(8) of the EP&A Act. There are no constraints on the court granting the modification.

The Department has reviewed the scope of the modification application and considers that the application is of minimal environmental impact and can be considered under section 4.55(1A) of the EP&A Act.

Engagement

The notification requirements under *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP) apply as the modification is related to connection to transmission infrastructure.

The Department notified and sought comment from TransGrid and it confirmed that:

- it is aware of and has been in discussions with the Applicant in relation to the modification application and the project;
- it required freehold title for the parcel of land on which the relevant substation and switching station will be built; and
- negotiations between the Applicant and TransGrid were well advanced and that is expected connection agreements to be executed in 2019.

Although the regulations do not require notification of any persons of the modification application, the Department considered this and concluded that notification to other parties is unnecessary due to the nature of the proposed impacts.

Assessment

The Department considers that the proposed subdivision meets these requirements as:

- the project is permissible use as energy generation works under the Infrastructure SEPP;
- the subdivided land would not be used for residential purposes;
- the subdivided land would be the same use (as energy generation works) allowed under the existing approval;
- the subdivision for the substation is necessary for the ongoing operation of the wind farm as they are required for the transfer of the substations to TransGrid;
- the subdivisions for the purposes of long term leases are necessary for the operation of the wind farm as they are required to register the leases with the Office of the Registrar-General;
- there are no land use conflicts between the subdivided land and the use of surrounding land in the locality (including agricultural land) noting that the wind farm and associated substations have been assessed in detail and the existing approval would effectively manage and minimise any residual impacts associated with the project; and
- the subdivisions are consistent with the natural and physical constraints of the land.

The modification would not result in any material environmental impacts beyond those that were previously assessed and approved. Consequently, the Department is satisfied that the proposed subdivisions are in the public interest, as they would allow the wind farm to be development and consequently provide net benefits to the National Electricity Market that can be realised in a timely manner.

Further, the additional lots added to the project boundary to accommodate the approved wind turbines that oversail these lots and the relevant landowners for these two lots agree to the proposed impacts. As such, the Department supports the modification application to the Court with amendment to the proposed conditions proposed by the Applicant.



1. Introduction

Bango Wind Farm Pty Ltd on behalf of CWP Renewables Pty Ltd (CWP Pty Ltd, the Applicant) has approval to construct and operate the Bango Wind Farm (the project).

Project Background

In March 2011, the Applicant applied to the Department of Planning and Environment for development consent to develop the Bango Wind Farm for the construction and operation of up to 122 wind turbines and associated ancillary infrastructure including a substation and grid connection.

The project is located approximately 30 kilometres (km) north of Yass in the Hilltops (formerly known as Boorowa) and Yass Valley local government areas (LGA). The township of Boorowa is approximately 12 km to the northwest of the project site and the township of Yass is approximately 25km to the southwest. Site access points are located on Lachlan Valley Way, Tangmangaroo Road and Wargeila Road.

The Applicant has yet to commence construction of the project.

The project was classified as state significant development under Section 4.36 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the criteria in schedule 1 to *State Environmental Planning Policy (State and Regional Development) 2011*.

Following an amendment, the application sought consent for the construction, operation, maintenance and the decommissioning of up to 75 wind turbines over two clusters known as the Kangiara and Mt Buffalo clusters.

On 23 February 2018, the Department referred the application for development consent to the Independent Planning Commission (Commission) for determination as the Department had received more than 25 submissions from the public in the nature of objections.

On 1 May 2018, the Commission granted the application for development consent for the Bango Wind Farm. This approval allowed for the construction and operation of up to 71 wind turbines and associated ancillary infrastructure including a substation and switching station at one of three proposed locations and a grid connection.

On 25 May 2018, a third party appeal was made to the Land and Environment Court (Court) by several landowners challenging the granting of the Commission Consent. On 6 December 2018, an agreement was reached during a conciliation conference ordered pursuant to section 34 of the *Land and Environment Court Act 1979*, which resulted in the Court granting the Applicant an amended development consent for the project.

The Court permitted the construction, operation and decommissioning of up to 46 wind turbines of 49 wind turbine locations and associated infrastructure.

Modification Application

On 13 May 2019, the Applicant filed the current modification application with the Court pursuant to section 4.55(8) of the EP&A Act. The Applicant intends to amend the modification application with the Court to add two lots to the project site to accommodate the oversail of the wind turbine blades.

This assessment report is provided to assist the Court in determining the application.

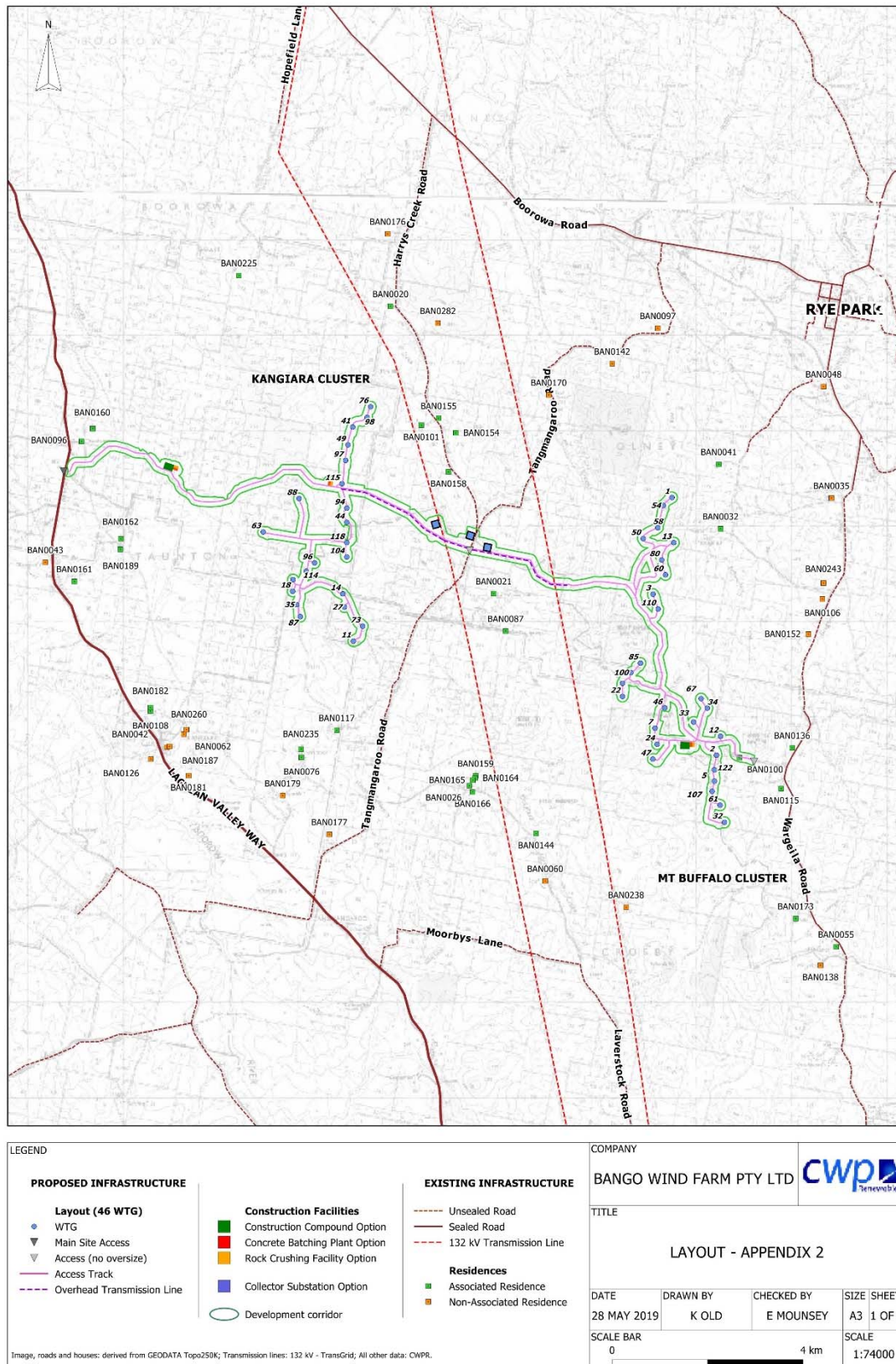


Figure 1 | Bango Wind Farm Layout



2. Proposed Modification

The Applicant is seeking to modify the Court consent to:

- subdivide the project site to create one freehold lot to allow for the construction of a substation (incorporating the switching station);
- subdivide the project site for the registration of long-term leases over the relevant areas of the project site;
- add two lots to the project site for oversail from wind turbine blades.

Both subdivisions would be located within the Hilltops and Yass Valley local government areas and the approved project boundary.

No changes to the disturbance footprint, construction hours, traffic movements or vehicular movements are proposed as part of this modification.

2.1 Subdivision for substation

The Applicant is seeking a subdivision to create a lot (with an approximate area of 150 metres by 150 metres or 2.25 ha) at the site of the substation to enable the ownership of the substation to be transferred to TransGrid.

The consent allows a substation at one of three proposed locations. Only one lot will be created for the substation and will be confirmed with TransGrid prior to the application for the subdivision certificate under Part 6 of the EP&A Act.

The Applicant has confirmed that the switching stations can be accommodated within the proposed collector substation subdivision lot envelope.

TransGrid would obtain freehold title through transfer, dedication or acquisition.

The residual lot would range in size depending on which substation option is progressed. Two are located in Yass Valley LGA and one is located in Hilltops LGA.

No existing dwellings are located on the substation or residual lots.

Lot	DP	Lot Size (ha)	Substation size (ha)	Residual lot size (ha)	Relevant LGA
3	625384	241.51	2.25	239.26	Yass
3	1187122	21.32	2.25	19.07	Hilltops
2	1187122	49.98	2.25	47.73	Yass

The proposed options are shown in **Figures 2, 3 and 4**.

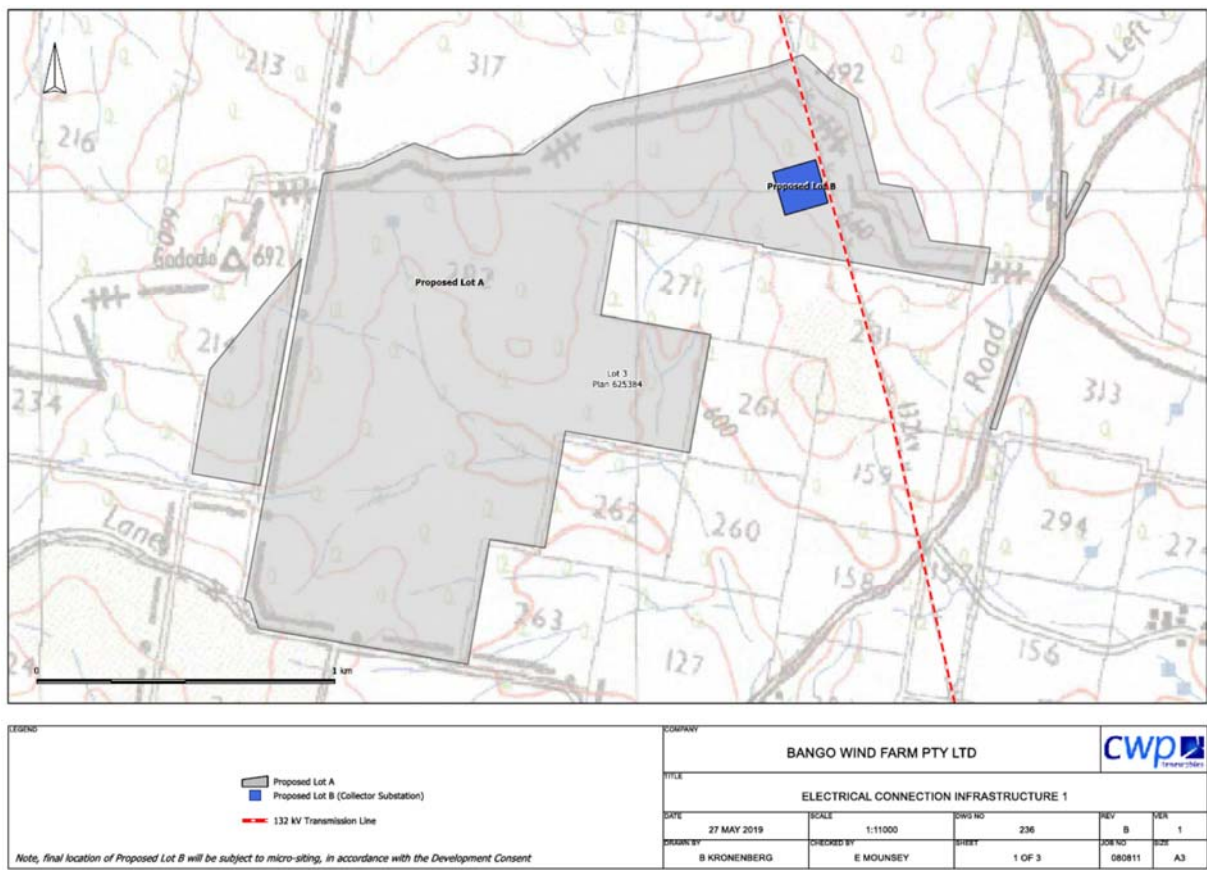


Figure 2 | Bango Wind Farm TransGrid Substation Layout 1

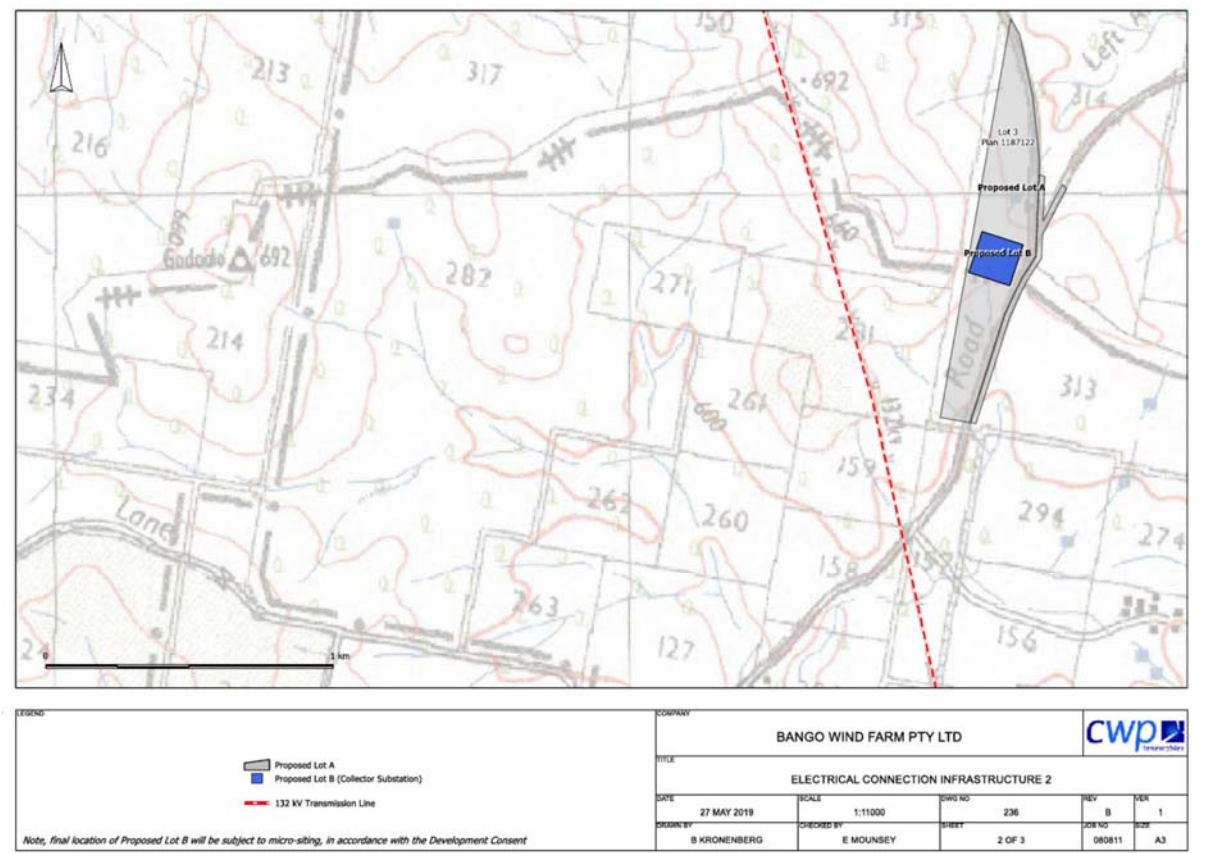


Figure 3 | Bango Wind Farm TransGrid Substation Layout 2

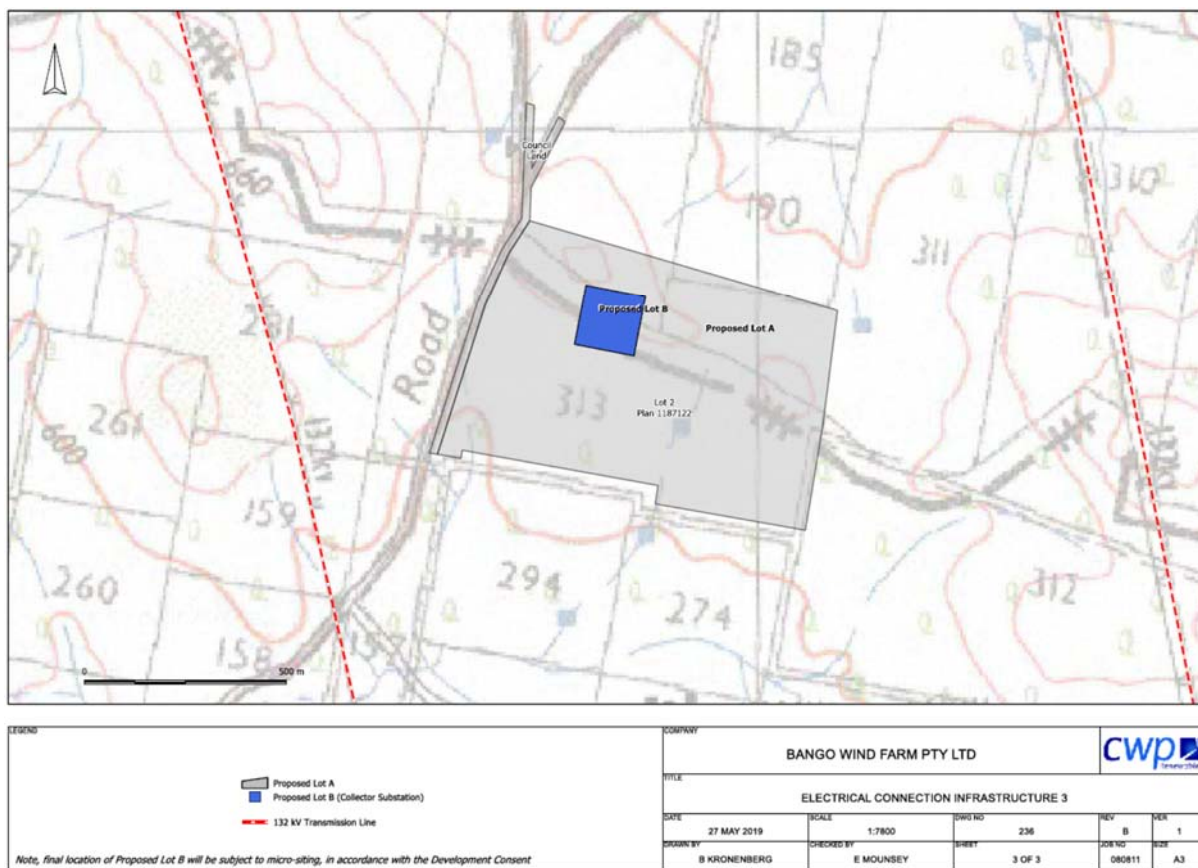


Figure 4 | Bango Wind Farm TransGrid Substation Layout 3

2.2 Subdivision for the purposes of long term leases

The Applicant is also seeking subdivision of parts of the existing lots for the wind turbine sites and the permanent operations building to allow for the grant and registration of long-term leases. (see **Figure 5**).

Under the *Conveyancing Act 1919* (Conveyancing Act), a registered plan is required for the Registrar-General to register a lease of part of an existing lot if the lease term exceeds 5 years.

The Applicant has entered into Options to Lease agreements with each of the registered proprietors (including Crown land and council land) that provide options to lease or licence parts of the lots listed in the development consent for the purpose of financing, construction, operation and decommissioning of the Project.

The Applicant states that proposed leases which are intended to be signed with the landowners will have durations in excess of 5 years; and will facilitate the construction of the project.

The leased areas will be circular shaped to accommodate dimensions of the wind turbines, as well as an area for the permanent operations and maintenance building. Once a lease is registered, the deposited plan will identify the windmill, easement of access and services in the title search.

The leased areas will be approximately 3.1 ha for each turbine and approximately 0.56 ha for the operations building.

The Applicant has confirmed that the long term leases would be registered on the existing titles but that it would not subdivide the underlying titles to create new freehold lots or dwelling entitlements.

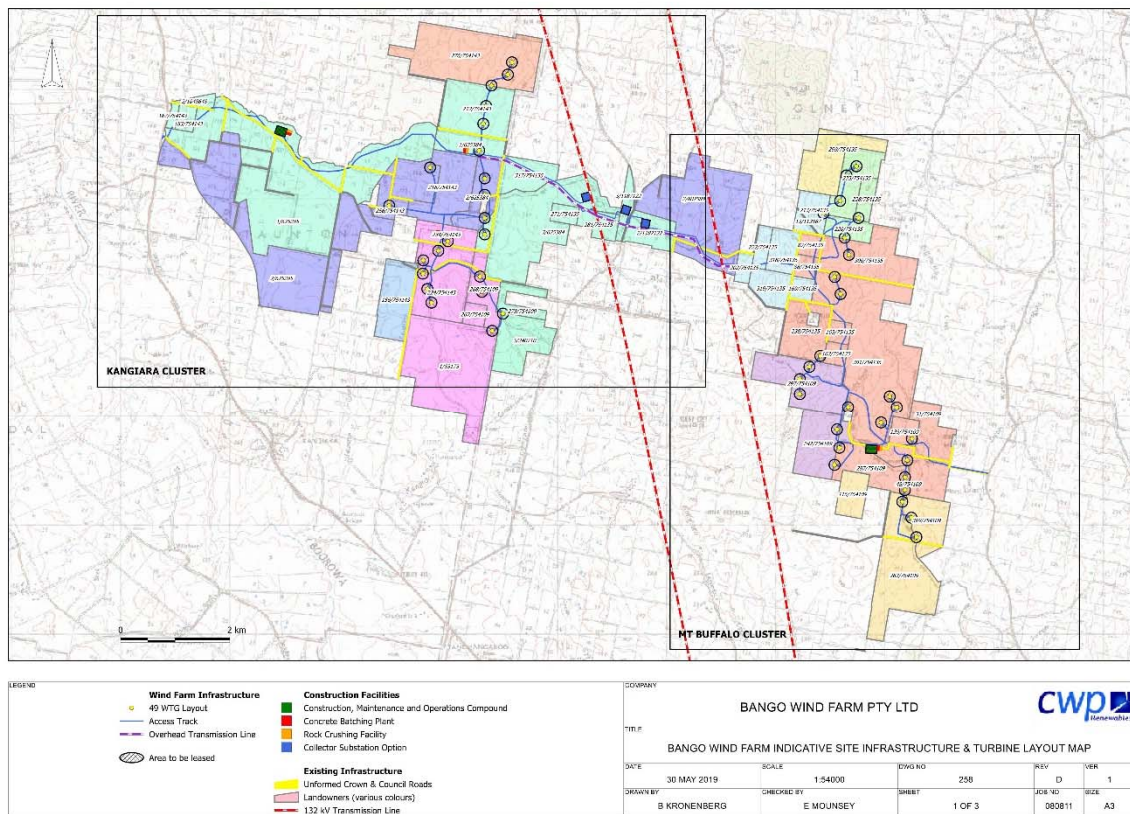


Figure 5 | Bango Wind Farm proposed subdivision for the purposes of long term leases

2.3 Additional lots to project boundary

Finally, the Applicant is seeking to include 2 additional lots to the project boundary to accommodate the oversail of certain wind turbine blades on the selected parcels of land (see **Figure 6** and **7**).

The 2 additional lots are as follows:

Lot	DP	WTG that would result in Oversail
156	754143	18
299	754135	54, 58

The addition of these lots does not change the location of the turbines and is consistent with the approved wind farm layout.

The Applicant has entered into agreements with the proprietors of the respective lots to allow the oversail of these blades on their land.

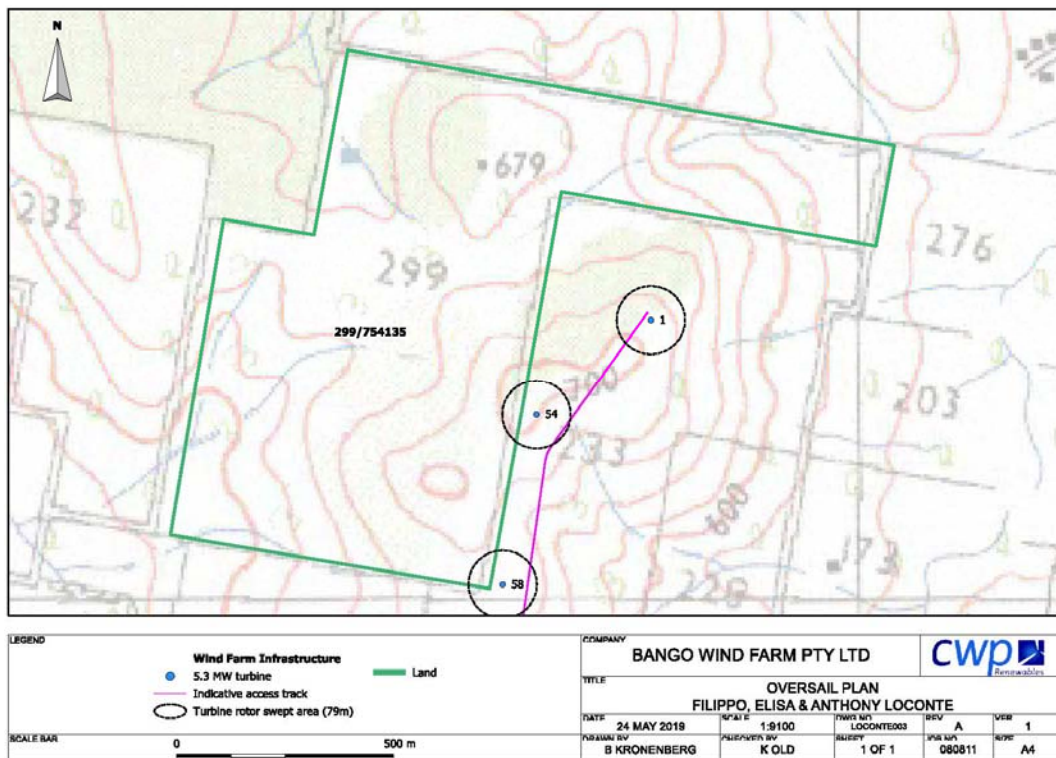


Figure 6 | Additional lot 299 DP754135

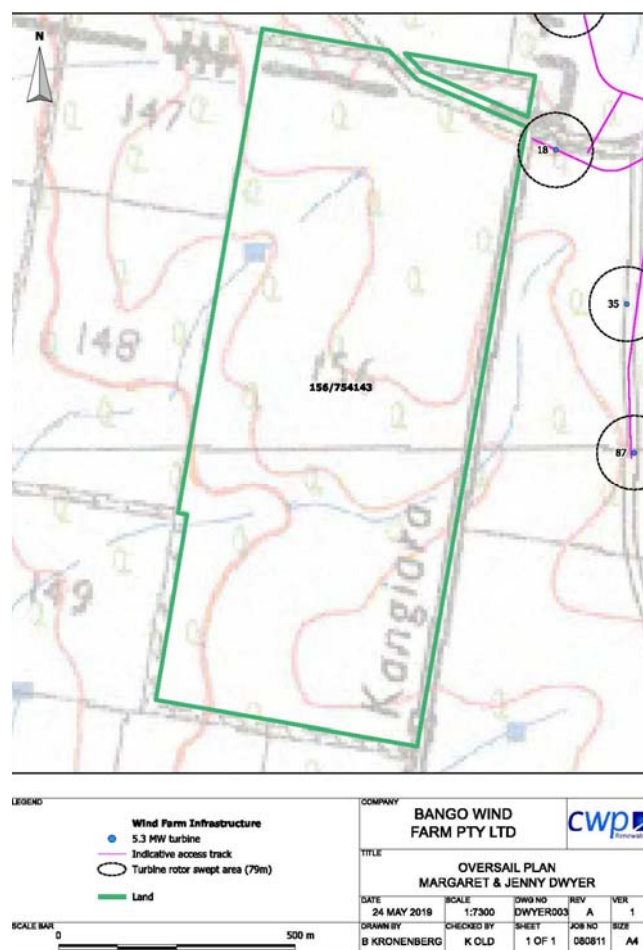


Figure 7 Additional lot 156 DP 754143



3. Statutory Context

3.1 Consent Authority

On 1 May 2018, the Commission granted the development consent for the Bango Wind Farm under section 4.38 (previously section 89E) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

On 25 May 2018, a third party appeal was made to the Land and Environment Court (Court), by several landowners challenging the granting of the Commission Consent.

On 6 December 2018, an agreement was reached during a conciliation conference which resulted in the Court granting the Applicant an amended development consent for the project.

Modifications to the consent can be granted either by the Minister or the Court.

The modification application has been submitted to the Court for its determination under section 4.55(8) of the EP&A Act. Given that the Court granted consent to the project, this modification can be considered by the Court.

While there are development standards that apply to subdivisions in both LGAs, these apply to the granting of development consent. In accordance with section 4.55(4), the modification of a consent is not taken to be the granting of consent. Consequently, there are no constraints on the Court granting the modification.

3.2 Scope of the Modification

Consideration as modification

The Department has reviewed the scope of the modification application and considers that:

- the wind farm was previously assessed and determined by the Commission and the Court, and the assessment considered the potential impacts of the project and the contribution to renewable energy generation;
- the original application considered the land for the wind farm would be leased from the landholders and the substation would ultimately be owned /operated by TransGrid and the modification would facilitate the development of the project;
- the approved wind farm layout included a substation at one of three proposed locations and the subdivision for the substation relates to the same approved locations; and
- it would not change the approved development footprint and it would only result in minor changes to the approved project boundary.

The Applicant considered that the modified project would be substantially the same as the development that was originally approved in accordance with section 115(1) of the EP&A Regulation.

The Department has considered the scope of the modification application and the original approval and considers that the modification is substantially the same development as originally approved and can be considered as a modification and does not require a new development application.

Type of modification

The Department has reviewed the scope of the modification application and considers that the application is of minimal environmental impact and can be considered under section 4.55(1A) of the EP&A Act. Specifically, the proposed subdivision:

- would not significantly increase the environmental impacts of the project as approved;
- would not change the approved development footprint other than allowing minor changes to the project boundary; and
- is substantially the same development as originally approved..

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act. Accordingly, the application may be assessed and determined under this section.

3.3 Matters for Consideration

In accordance with section 4.55(3) of the EPA Act, the following must be considered in granting the modification application as relevant to the application:

- environmental planning instruments, proposed instrument or development control plan;
- any planning agreement;
- EP&A regulation;
- likely impacts of the modification application, including environmental impacts on both the natural and built environments, and social and economic impacts;
- suitability of the site;
- any submissions;
- the public interest;
- the reasons for granting the consent for the original application.

The Department has considered the relevance of the considerations for the modification application below.

Environmental planning instruments, proposed instrument or development control plan

The environmental planning instruments (EPs) relevant to this modification are the:

- *Boorowa Local Environmental Plan 2012* (Boorowa LEP 2012); and
- *Yass Valley Local Environmental Plan 2013* (Yass Valley LEP 2013)

The proposed substation subdivision will enable the creation of a freehold lot to proceed with the construction of the relevant electrical connections and infrastructure.

The considerations under the relevant LEPs are contingent upon whether the subdivision would also create a lot or give rise to new dwelling entitlements.

The Applicant does not intend to create lots for the subdivision for the purposes of the long term lease. Consequently, the considerations under the LEPs relating to creating lots are not relevant considerations for the subdivisions for the purposes on long term leases.

There are no proposed or draft LEPs or development control plans (DCPs) for either LGAs for consideration in this modification.

A consideration of the LEPs for the proposed substation subdivision is outlined in **Section 5** of this report.

Any planning agreement

The Applicant currently has two voluntary planning agreements with both the Hilltops and Yass Valley Councils as required by the consent.

The modification application does not relate to these agreements and is not relevant to the modification application.

EP&A Regulation

There are no additional considerations relevant to the modification application in the EP&A Regulation.

Likely impacts of the modification application

The likely impacts of the subdivisions and additional lots are considered in **Section 5**.

Suitability of the site

The suitability of the project site was assessed and considered by the Department, Commission and the Court in the original approval and is not considered relevant to the modification application.

Submissions

The Department notified and sought comment from TransGrid and this is discussed further in **Section 4** of this report .

Public Interest

The consideration of public interest is provided in **Section 6** of this report.

The reasons for granting the consent for the original application

The Commission and Court considered the impacts and benefits of the wind farm in accordance with the EP&A Act in granting consent. Neither the Commission or the Court prohibited subdivision.



4. Engagement

In accordance with section 45 of the *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP), the Department is required to notify and seek comment from TransGrid, as the modification application seeks to subdivide land for the purposes of the electricity substation.

TransGrid supported the proposed substation subdivision and confirmed that negotiations with the Applicant are ongoing and that a freehold title for the parcel of land where the substation and switching station will be built is required.

In accordance with the EP&A regulations, the Department is not required to notify any other parties of the modification application. Notwithstanding, the Department has also concluded that notification to other parties is unnecessary as:

- the relevant landowners have provided landowners consent for the modification application;
- the modification application would not result in any material impacts on surrounding landowners;
- the Department consulted Hilltops and Yass Valley Councils during the process of assessing the application for development consent for the project and neither objected to that application; and
- neither Council would be affected by the modification application as it would primarily facilitate the commercial arrangements for the implementation of the approved project without having any adverse strategic planning or environmental impacts.



5. Assessment

The Department has considered the merits of the proposed modification application in accordance with the relevant matters for consideration described in **Section 3.3**.

In assessing the merits of the proposal, the Department has considered the:

- existing conditions of approval;
- previous EAs for the project;
- modification application and supporting information;
- applicable government policies and guidelines; and
- requirements of the EP&A Act.

5.1 Environmental Planning Instruments

The merits of the proposed subdivision to create a lot for the substation have been assessed against the Boorowa LEP 2012 and Yass Valley LEP 2013 as the three substation options span the two LGAs.

The options for the lots proposed to be subdivided for the substation are located on land zoned RU1-Primary Production under the Boorowa LEP 2012 and the Yass Valley LEP 2013.

The minimum subdivision lot size for land zoned RU1 is 40 hectares under clause 4.1 of the respective LEPs. The proposed new lot would be below the minimum lot size and less than 90 % of the minimum lot size.

Two of the options for the residual lots were already larger than the minimum lot size and had dwelling entitlements. One of the options was already less than the minimum lot size and would not change the dwelling entitlement. The proposed subdivision removing a 2.25 ha lot would not change the dwelling entitlements of the residual lots.

Broadly, the intent of the restrictions on minimum lot size in the LEPs are to:

- protect rural land for agriculture;
- minimise impacts on the characteristics of rural land and unplanned rural residential development on inappropriately sized land parcels.

The Department has considered the modification application against the intent of the rural zoning and concluded that the proposed subdivision are in the public interest as:

- the project is a permissible use as energy generation works for land zoned primary production under the Infrastructure SEPP;
- the subdivided land would not be used for residential purposes;
- the subdivision would not adversely affect the use of the surrounding land for agriculture and would not cause any rural land use conflicts; and
- the subdivided land would be the same use (as energy generation works) allowed under the existing consent;
- the subdivision for the substation is necessary for the ongoing operation of the wind farm as it is required for the transfer of the substation to TransGrid and is supported by TransGrid's submission;
- the subdivided lot for the substation does not contain a dwelling and residual land would be used for continuing agricultural use and the subdivision would not change the existing dwelling entitlements;
- there are no land use conflicts between the subdivided land and the use of surrounding land in the locality (including agricultural land) noting that the wind farm and associated substation have been assessed in detail and the existing approval would effectively manage and minimise any residual impacts associated with the project; and
- the subdivisions are consistent with the natural and physical constraints of the land.

The Department considers that on the basis on the above, it is reasonable to grant the modification.

The condition proposed by the Applicant addresses the creation of one lot for the substation.

The Department has considered the proposed conditions and recommends that the conditions include a provision to expressly prevent the division of an existing lot into two (2) or more lots to avoid doubt.

5.2 Subdivision for purposes of lease

For the long term lease registrations over the relevant areas for the wind turbines, the Applicant has entered into agreements with each of the registered proprietors that provide options for the Applicant to lease or licence parts of the lots listed in Appendix 1 of the Development Consent, Crown road and council land for the purpose of financing, construction, operation and decommissioning of the project. The leases will have a duration in excess of five (5) years.

The leased areas will be circular shaped subdivision layouts to accommodate dimensions of the wind turbines, as well as a leased area for the permanent operations and maintenance building. Once a lease is registered, the deposited plan will identify the windmill, easement of access and services in the title search.

The Department recognises that the Applicant has confirmed that the long term leases would be registered on the existing titles but that it would not subdivide the underlying titles to create new freehold lots or dwelling entitlements.

Notwithstanding that the Applicant does not intend to subdivide the land, the Department considers that if granted the modification, the land could still be subdivided which may give rise to fragmentation of land and land uses status are contrary to the objectives of the relevant LEPs. Consequently, the Department has recommended conditions that include:

- any subdivision certificate issued for a subdivision for the purpose of a long term lease contain a statement that the subdivision is only for that purpose; and

- the consent for subdivision for lease purposes expires on the date the Secretary is satisfied that the site has been rehabilitated in accordance with the requirements of the consent.

The intent of the subdivision is administrative in nature and is not considered to result in the fragmentation of rural land and/or create potential land use conflicts. Following the expiration or early termination of the leases, a landowner may request the lease be removed from their title. Following the expiry of the lease and all relevant option terms contained in the leases, the leases will be subject to automatic removal from their titles.

5.3 Likely impacts of the modification

The impacts of the project, including the substation, have been previously assessed and determined by the Commission and the Court. The consent provided for a substation at one of three (3) proposed locations. The proposed modification is considered to be consistent with the approved project.

The facilitation of freehold subdivision for the substation lot and subdivision for the purposes of long term leases will assist in the development of the site for the approved wind farm use.

The proposed modification would not result in any additional impacts on both the natural and built environments, nor any social or economic impacts given the relative minor nature of the subdivision and long term lease agreements with proprietors.

The additional lots are added to the project boundary as the approved wind turbines oversail these lots. The relevant landowners for these two (2) lots have provided their consent for the modification application and consequently agree to the proposed impacts.



6. Evaluation

Proposed Modification

The Department has assessed the modification application in accordance with the relevant statutory requirements, having regard to the approved project. The Department has assessed the proposed modification to the Court consent to subdivide the project site to allow for:

- the creation of one freehold lot to allow for the construction of infrastructure described by the EIS as a 'Collector Substation';
- the registration of long-term leases over the relevant areas of the Project Site; and
- additional two lots to the project site for oversail from wind turbine blades.

Consent Authority

While there are development standards that apply to subdivisions, these apply to the granting of development consent and the modification of a consent is not taken to be the granting of consent in accordance with section 4.55 (4). Consequently, there are no constraints on the Court granting the modification.

Likely impacts of the modification application

In assessing the merits of the proposal, the Department has considered the:

- relevant matters for consideration identified in **Section 3.3**;
- existing conditions of approval;
- previous EAs for the project; and
- requirements of the EP&A Act;

The Department considers that the proposed modification application meets these requirements as:

- the modification is consistent with the objectives of the Boorowa and Yass Valley LEPs;
- the proposed modification would not impact on the natural and built environments, and there would not be any social and economic impacts given the administrative nature of the subdivision for the substation and long term lease agreements with proprietors;
- the additional lots added to the project boundary to accommodate the approved wind turbines that oversail these lots and the relevant landowners for these two lots agree to the proposed impacts;
- there are no draft environmental planning instruments, development control plans and planning agreement or requirements in the EP&A regulation relevant to the modification application;
- TransGrid's submission supports the proposed subdivision for the substation;
- the project is permissible use as energy generation works under the *State Environmental Planning Policy (Infrastructure) 2007*;
- the subdivided land would be the same use (as energy generation works) allowed under the existing approval;
- the subdivisions are necessary for the ongoing operation of the wind farm as they are required for the transfer of the substations to TransGrid;
- there are no land use conflicts between the subdivided land and the use of surrounding land in the locality (including agricultural land) noting that the wind farm and associated substations have been assessed in detail and the existing approval would effectively manage and minimise any residual impacts associated with the project; and
- the modification application is consistent with the reasons given for the original consent.

The Department considers that the proposed modification would not result in any material environmental impacts beyond those that were previously assessed and approved.

The impacts of the project, including for the substation have been previously assessed and determined by the Commission and the Court. The proposed modification is considered to be consistent with the current approved project.

Consequently, the Department considers the modification application is in the public interest as it facilitates the development of the project and realisation of the overall benefits of the approved Bango Wind Farm

The Department supports the Applicant's request to modify the application subject to the amended proposed conditions.

The Department has drafted recommended conditions and a draft consolidated project approval as modified (see **Appendix D**).

Consequently, the Department is satisfied that the proposed modification is in the public interest, as it would allow the wind farm to be development and consequently provide net benefits to the National Electricity Market that can be realised in a timely manner.



7. Recommendation

It is recommended that the application be considered by the Court:

- **consider** the findings and recommendations of this report;
- **determine** that the application Bango Wind Farm Modification 1 falls within the scope of section 4.55(1A) of the EP&A Act;
- **accept and adopt** all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application; and
- **modify** the consent (SSD 6686).

Recommended by:

May Patterson

Team Leader

Resource and Energy Assessments

Recommended by:

Nicole Brewer

A/ Director

Resource and Energy Assessments

30/5/19

David Kitto

Executive Director

Resource Assessments and Business Systems



Appendices

Appendix A – List of Documents

1. TransGrid Comments
2. Applicant's Annexure (Lot Sizes and Lease Areas)

Appendix B – Application and Additional Information

Appendix C – Notice of Modification

Notice of Modification

Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*

The Land and Environment Court of NSW modify the project approval referred to in Schedule 1, as set out in Schedule 2.

Sydney

2019

SCHEDULE 1

The Development Consent for the Bango Wind Farm Project (SSD 6686) granted by the Land and Environment Court on 6 December 2018.

SCHEDULE 2

1. In the table of DEFINITIONS in Schedule 1, delete the definition for “EIS” and insert the following:

EIS

The environmental impact statement for the Bango Wind Farm, prepared by CWP Renewables Pty Ltd and dated September 2016, as modified by the:

- *Bango Wind Farm Amended Development Application and Response to Submissions*, prepared by CWP Renewables Pty Ltd and dated May 2017;
- Letter amending the development application, prepared by CWP Renewables Pty Ltd and dated 24 April 2018;
- *Bango Wind Farm: Revised Environmental Noise Assessment S39558C16* prepared by Sonus Pty Ltd and dated October 2018;
- *Bango Wind Farm – Comparison of biodiversity impacts for 71 versus 49 WTG layout prepared by* Eco Logical Australia Pty Ltd and dated 25 October 2018;
- *SSD 6686 Bango Wind Farm Pty Ltd – Modification Application (Section 4.55 of the EP&A Act)* prepared by CWP Renewables Pty Ltd and dated 7 May 2019;
- Letter from Bango Wind Farm Pty Ltd, dated 30 May 2019.

3. After condition 19 of Schedule 2 and insert:

Subdivision

20. The Applicant may subdivide the land comprising the site for the purposes of carrying out the development, in the following manner:
- (a) to create a separate freehold title for the purposes of the substation and switching yard from one of the options identified in APPENDIX 9; and
 - (b) to enable registration of long term leases of part of land on any title of the land comprising the site by:
 - (i) registration of plans of subdivision for lease purposes; or
 - (ii) such other manner as may be required under the *Conveyancing Act 1919* (NSW) or the NSW Land Registry Services (or its successor),as shown by the lease areas contained in APPENDIX 10, in accordance with the EIS and the requirements of the EP&A Act, EP&A Regulation, *Conveyancing Act 1919* (NSW) and the NSW Land Registry Services (or its successor).
21. For the avoidance of doubt, other than as permitted by permitted by condition 20(a) of Schedule 2, this consent does not permit the creation of new individual freehold titles as a result of the subdivision of existing freehold titles.
22. Any subdivision certificate issued in relation to a plan of subdivision (or other plan prescribed or required by the NSW Land Registry Services or its successor) registered in accordance with condition 20(b) of

Schedule 2 must contain a statement that the subdivision is only for the purposes of registering leases as set out in condition 20(b) of Schedule 2.

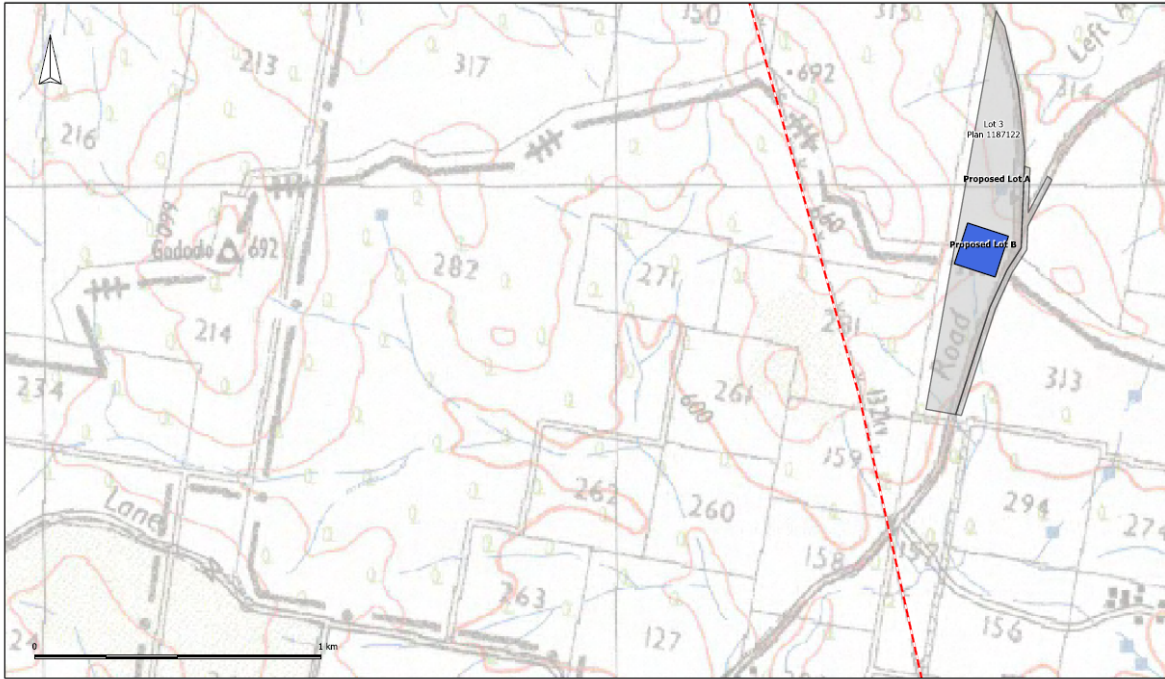
23. The consent for subdivision for lease purposes under condition 20(b) of Schedule 2 above expires on the date the Secretary is satisfied that the site has been rehabilitated in accordance with condition 35 of Schedule 3.

4. Delete Appendix 1 and insert the following:

<i>Lot</i>	<i>DP</i>	<i>Lot</i>	<i>DP</i>
13	113987	216	754143
169	754135	256	754143
202	754135	242	754109
213	754135	297	754109
222	754135	115	754109
2	802580	263	754109
318	754135	309	754109
319	754135	276	754143
1	625384	31	754109
3	625384	48	754109
1	625285	139	754109
271	754135	287	754109
281	754135	87	754135
317	754135	88	754135
167	754143	162	754135
183	754143	163	754135
212	754143	238	754135
2	1048648	300	754135
2	1187122	301	754135
3	1187122	1	83173
5	240710	268	754109
279	754109	224	754143
220	754135	234	754143
228	754135	<u>156</u>	<u>754143</u>
233	754135	<u>299</u>	<u>754135</u>
2	625384		
2	625285		
1	742223		

Note: The project site will also be taken to include:

- any crown land, and any road reserves contained within the project site; and
- any land which is required for the road upgrades specified in Appendix 7



LEGEND

- Proposed Lot A
- Proposed Lot B (Collector Substation)
- 132 kV Transmission Line

Note, final location of Proposed Lot B will be subject to micro-siting, in accordance with the Development Consent

COMPANY

BANGO WIND FARM PTY LTD



TITLE

ELECTRICAL CONNECTION INFRASTRUCTURE 2

DATE

27 MAY 2019

SCALE

1:11000

DWG NO

236

REV

B

VER

1

DRAWN BY

B KRONENBERG

CHECKED BY

E MOUNSEY

SHEET

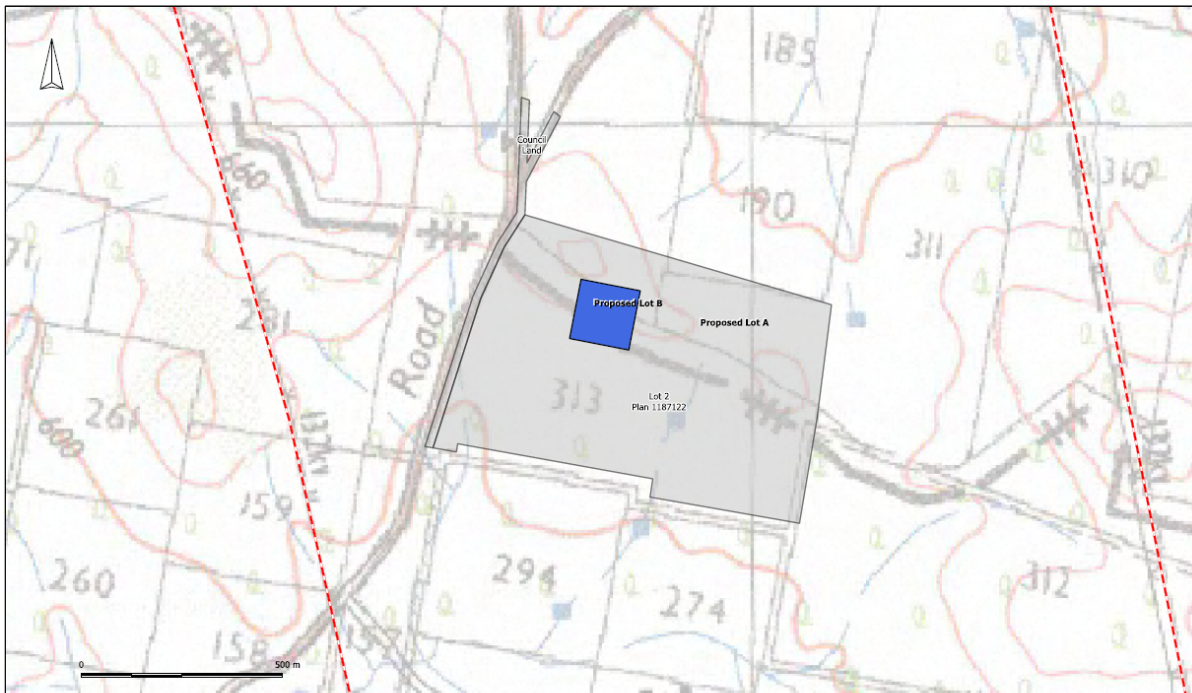
2 OF 3

JOB NO

080811

SIZE

A3



LEGEND

- Proposed Lot A
- Proposed Lot B (Collector Substation)
- 132 kV Transmission Line

Note, final location of Proposed Lot B will be subject to micro-siting, in accordance with the Development Consent

COMPANY

BANGO WIND FARM PTY LTD



TITLE

ELECTRICAL CONNECTION INFRASTRUCTURE 3

DATE

27 MAY 2019

SCALE

1:7800

DWG NO

236

REV

B

VER

1

DRAWN BY

B KRONENBERG

CHECKED BY

E MOUNSEY

SHEET

3 OF 3

JOB NO

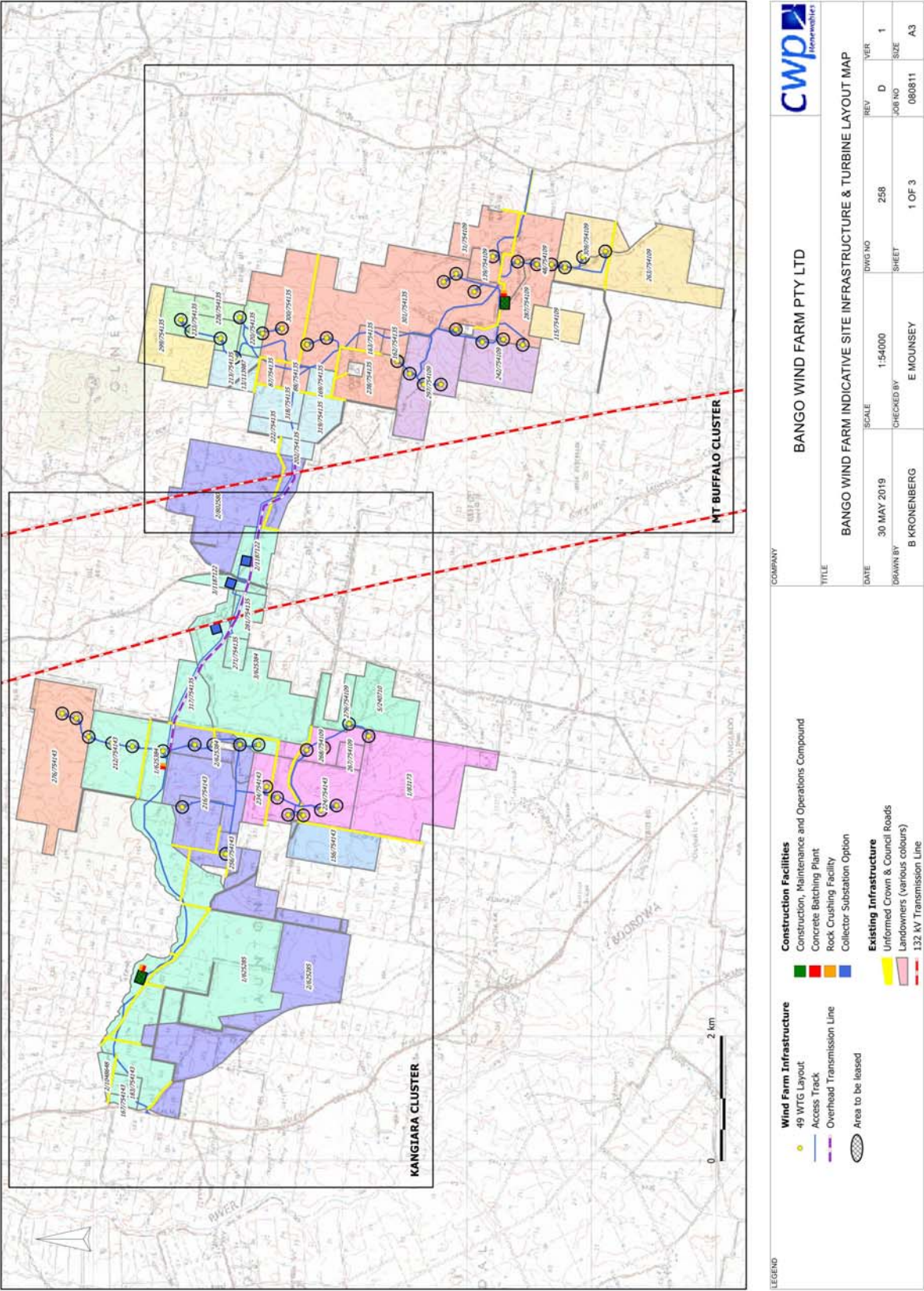
080811

SIZE

A3

6. After appendix 9 and insert the following:

APPENDIX 10
INDICATIVE SITE LAYOUT SHOWING LEASE AREAS



Appendix D – Consolidated Consent

Development Consent

Section 4.38 of the *Environmental Planning & Assessment Act 1979*

The **Land and Environment Court of NSW** ~~Independent Planning Commission of NSW~~ approves the development application referred to in schedule 1, subject to the conditions in schedules 2 to 4.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.

Sydney

SCHEDULE 1

Application Number:	SSD 6686
Applicant:	Bango Wind Farm Pty Ltd
Consent Authority:	Land and Environment Court of NSW Independent Planning Commission of NSW
Land:	See Appendix 1
Development:	Bango Wind Farm

TABLE OF CONTENTS

DEFINITIONS	3
ADMINISTRATIVE CONDITIONS	6
Obligation to Minimise Harm to the Environment	6
Terms of Consent	6
Limits on Consent	6
Notification	7
Structural Adequacy	7
Demolition	7
Protection of Public Infrastructure	7
Operation of Plant and Equipment	8
Updating & Staging Strategies, Plans or Programs	8
Community Enhancement	8
Subdivision	8
ENVIRONMENTAL CONDITIONS – GENERAL	8
Visual	9
Noise	10
Air	11
Soil & Water	11
Biodiversity	12
Heritage	13
Transport	14
Aviation	15
Radiocommunications	15
Bushfire	15
Safety	16
Waste	16
Rehabilitation & Decommissioning	16
ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING	17
Environmental Management	17
Incident Notification	17
Non-Compliance Notification	17
Independent Environmental Audit	18
Access to Information	18
APPENDIX 1: SCHEDULE OF LAND	19
APPENDIX 2: DEVELOPMENT LAYOUT	21
APPENDIX 3: MICRO-SITING RESTRICTIONS	24
APPENDIX 4: GENERAL TERMS OF APPLICANT’S VPA OFFER	25
APPENDIX 5: NOISE COMPLIANCE ASSESSMENT	26
APPENDIX 6: ABORIGINAL HERITAGE ITEMS	27
APPENDIX 7: SCHEDULE OF ROAD UPGRADES	29
APPENDIX 8: OVER-DIMENSIONAL AND HEAVY VEHICLE ACCESS ROUTE RESTRICTIONS	30
APPENDIX 9: LAYOUT OPTIONS FOR COLELCTOR SUBSTATION	31
APPENDIX 10: INDICATIVE SITE LAYOUT SHOWING LEASE AREAS	33

DEFINITIONS

Aboriginal stakeholders	Aboriginal stakeholders registered for cultural heritage consultation for the development
Ancillary infrastructure	All wind farm infrastructure with the exception of wind turbines, including but not limited to collector substations, switching stations, permanent offices and site compounds, underground and overhead electricity transmission lines and internal roads
Applicant	Bango Wind Farm Pty Ltd, or any person carrying out the development approved under this consent
BCA	Building Code of Australia
CASA	Civil Aviation Safety Authority
CCC	Community Consultative Committee
Conditions of this consent	Conditions contained in schedules 1 to 4 inclusive
Construction	All physical works to enable the operation, including, but not limited to, the construction of wind turbines, ancillary infrastructure and road upgrades carried out before the commencement of operation, excluding pre-construction minor works
Councils	Hilltops Council and Yass Valley Council
CPI	Consumer Price Index
Curtilage	The land immediately surrounding a residence, including any closely associated buildings or structures where domestic and/or recreational activities take place
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and public holidays
Decommissioning	The deconstruction and removal of wind turbines and above ground ancillary infrastructure
Department	Department of Planning and Environment
Development	The development as described in the EIS
Development corridor	The corridor shown in the figures in Appendix 2
EEC	Endangered ecological community, as defined under the TSC Act
EIS	The environmental impact statement for the Bango Wind Farm, prepared by CWP Renewables Pty Ltd and dated September 2016, as modified by the: <ul style="list-style-type: none"> • <i>Bango Wind Farm Amended Development Application and Response to Submissions</i>, prepared by CWP Renewables Pty Ltd and dated May 2017; • Letter amending the development application, prepared by CWP Renewables Pty Ltd and dated 24 April 2018; • <i>Bango Wind Farm: Revised Environmental Noise Assessment S39558C16</i> prepared by Sonus Pty Ltd and dated October 2018; • <i>Bango Wind Farm – Comparison of biodiversity impacts for 71 versus 49 WTG layout prepared by</i> Eco Logical Australia Pty Ltd and dated 25 October 2018; • SSD 6686 Bango Wind Farm Pty Ltd – Modification Application (Section 4.55 of the EP&A Act) prepared by CWP Renewables Pty Ltd and dated 7 May 2019; and • Letter from Bango Wind Farm Pty Ltd, dated 30 May 2019.
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPA	Environment Protection Authority
EPL	Environment Protection Licence issued under the POEO Act
Evening	The period from 6pm to 10pm
Feasible	Feasible relates to engineering considerations and what is practical to build or implement
Heavy vehicle	As defined under the <i>Heavy Vehicle National Law (NSW)</i> , but excluding light and medium rigid trucks and buses no more than 8 tonnes and with not more than 2 axles
Heritage Act	<i>Heritage Act 1977</i>
Heritage item	An item as defined under the Heritage Act and/or an Aboriginal Object or Aboriginal Place as defined under the NP&W Act

Incident	<p>A set of circumstances that:</p> <ul style="list-style-type: none"> causes or threatens to cause material harm to the environment; and/or breaches or exceeds the limits or performance measures/criteria in this consent
Material harm	<p>Is harm that:</p> <ul style="list-style-type: none"> involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial; or results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minimise	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development
Minister	Minister for Planning, or delegate
Mitigation	Activities associated with reducing the impacts of the development
Night	The period from 10.00pm to 7.00am on Monday to Saturday, and 10.00pm to 8.00am on Sundays and NSW Public Holidays
Non-associated residence	<p>Any residence on privately-owned land where the landowner has not reached a financial or in kind agreement with the Applicant in relation to the development. In some cases, this agreement will be restricted. First, it may only cover certain aspects of the development (such as the noise or visual impacts). In such cases, the residence is only associated for those aspects covered by the agreement, and remains a non-associated residence for all those aspects that are not covered by the agreement. Second, while the agreement may cover a certain aspect of the development (such as noise impacts), it may limit the extent of any such impact (by setting absolute noise levels at a residence, for instance). In these cases, the residence is only associated to the extent that the impact is covered by the agreement, and is considered to be non-associated for any impacts that exceed the limits specified in the agreement</p>
NP&W Act	<i>National Parks and Wildlife Act 1974</i>
OEH	Office of Environment and Heritage
OLS	Obstacle Limitation Surface
Operation	The carrying out of the approved purpose of the development upon completion of construction, but does not include commissioning trials of equipment or use of temporary facilities
Over-dimensional	Over-mass and/or over-size/length vehicles
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Pre-construction minor works	<p>Includes the following activities:</p> <ul style="list-style-type: none"> building/road dilapidation surveys; investigative drilling, excavation or salvage; minor clearing or translocation of native vegetation; establishing temporary site office (in locations meeting the criteria identified in the conditions of this approval) installation of environmental impact mitigation measures, fencing, enabling works; and minor access roads and minor adjustments to services/utilities, etc.
Privately-owned land	Land that is not owned by a public agency or publicly-owned commercial entity (or its subsidiary)
Public infrastructure	Linear and related infrastructure that provides services to the general public, such as roads, railways, water supply, drainage, sewerage, gas supply, electricity, telephone, telecommunications, etc.
RAAF	Royal Australian Air Force – Aeronautical Information Services
Radiocommunications	Radio emission, or the reception of radio emission, for the purposes of communicating information as defined under the <i>Radiocommunications Act 1992</i>
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
Rehabilitation	The restoration of land disturbed by the development to a good condition, having regard to its condition prior to commencement of construction, to ensure it is safe, stable and non-polluting
Residence	Any dwelling in existence at the date of this consent, or a dwelling that is either the subject of a development consent or a development application

	that was lodged but not yet determined at the date of this consent once a final occupation certificate has been issued for the dwelling
RFS	Rural Fire Service
RMS	Roads and Maritime Services
Secretary	Secretary of the Department, or nominee
Shadow flicker	The flickering effect caused by the intermittent shading of the sun by the rotating blades of the wind turbines
Site	The land defined in Appendix 1
Temporary facilities	Temporary facilities used for the construction and/or decommissioning of the development, including but not limited to temporary site offices and compounds, concrete batching plants, materials storage compounds, maintenance workshops, testing laboratories or material stockpiles
TSC Act	<i>Threatened Species Conservation Act 1995</i>
VPA	Voluntary Planning Agreement
Wind turbine	Turbines used for the generation of electricity by wind, including the tower, blades and associated components

SCHEDULE 2 ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

1. In meeting the specific environmental performance criteria established under this consent, the Applicant must implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from the construction, operation, or decommissioning of the development.

TERMS OF CONSENT

2. The Applicant must carry out the development:
 - (a) generally in accordance with the EIS; and
 - (b) in accordance with the conditions of this consent.

Note: The general layout of the development is shown in the figures in Appendix 2.

3. If there is any inconsistency between the above documents, the most recent document must prevail to the extent of the inconsistency. However, the conditions of this consent must prevail to the extent of any inconsistency.
4. The Applicant must comply with any reasonable requirement/s of the Secretary arising from the Department's assessment of:
 - (a) any strategies, plans, programs, reviews, audits, reports or correspondence that are submitted in accordance with this consent;
 - (b) any reports, reviews or audits commissioned by the Department regarding compliance with this consent; and
 - (c) the implementation of any actions or measures contained in these documents.

LIMITS ON CONSENT

Wind Turbines

5. The Applicant may construct, operate and replace or upgrade as necessary up to **71 46** wind turbines ~~from Layout Option 1 of the 49 wind turbines identified in APPENDIX 2.~~
6. This consent does not authorise the development of wind turbine numbers **17, 19, 21, 25, 26, 28, 36, 45, 48, 53, 55, 59, 62, 65, 69, 71, 72, and 79, 81, 83, 86, 91, 95, 102, 111 and 119** ~~in Layout Option 1.~~

Notes:

- To identify the wind turbines ~~in Layout Option 1~~ see the figures and corresponding GPS coordinates (for those wind turbines approved) in APPENDIX 2.
- To avoid any doubt, the Applicant does not require additional approval to replace or upgrade wind turbines over time, as long as the replacement or upgrade is carried out in accordance with the conditions of this consent.

7. No wind turbines may be located within 100 metres of the site boundary, unless otherwise agreed by the adjoining landowner.

Wind Turbine Height

8. No wind turbines may be greater than 200 metres in height (measured from ground level to the blade tip).

Micro-siting Restrictions

9. The Applicant may micro-site the wind turbines and ancillary infrastructure, provided:
 - (a) they remain within the development corridor shown on the figures in APPENDIX 2;
 - (b) no wind turbine is moved more than 100 metres from the relevant GPS coordinates shown in APPENDIX 2;
 - (c) wind turbine numbers 76 and 98 are not moved any closer to residence 282, **unless it ceases to be a non-associated residence;**
 - ~~(d) wind turbine numbers 25, 62 and 111 in Layout Option 1 are not moved any closer to residences 60, 144 and 238;~~
 - (e) the revised location of the wind turbines listed in APPENDIX 3 are not any closer to the corresponding Wedge-tailed eagle (*Aquila audax*) nest; and
 - (f) the revised location of the wind turbine and/or ancillary infrastructure would not result in any non-compliance with the conditions of this consent.

Staging of the Development

10. The Applicant may construct, operate and decommission the development in stages.

Where staging of the development is proposed, the conditions of this consent are only required to be complied with at the relevant time and to the extent that they are relevant to the specific stage(s).

Final Layout Plans

11. Prior to the commencement of construction, the Applicant must submit detailed plans of the final layout of the development to the Secretary for approval, including:
- (a) details on the micro-siting of any wind turbines and/or ancillary infrastructure; and
 - (b) the GPS coordinates of the wind turbines.

Following approval, the Applicant must ensure that the development is constructed in accordance with the final layout plans.

12. The Applicant may revise the approved final layout plans. Prior to carrying out any such revisions, the Applicant must submit the plans to the Secretary for approval.

Following approval, the Applicant must ensure that the development is constructed in accordance with the revised final layout plans.

NOTIFICATION

13. Prior to the commencement of the construction, operation and/or decommissioning of the development or the cessation of operations, the Applicant must notify both the Department and the Councils in writing of the date of commencement or cessation.

If the construction, operation and/or decommissioning of the development is to be staged, then the Applicant must:

- (a) notify both the Department and the Councils in writing prior to the commencement of the relevant stage, and clearly identify the development that would be carried out during the relevant stage; and
- (b) inform the local community and the Community Consultative Committee about the proposed staging plans.

STRUCTURAL ADEQUACY

14. The Applicant must ensure that:
- (a) the wind turbines are constructed in accordance with the relevant standards, including the structural design requirements of *IEC 61400-1 Wind turbines – Part 1: Design Requirements* (or equivalent); and
 - (b) all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA.

Notes:

- Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.

DEMOLITION

15. The Applicant must ensure that all demolition work on site is carried out in accordance with AS 2601-2001: *The Demolition of Structures*, or its latest version.

PROTECTION OF PUBLIC INFRASTRUCTURE

16. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and
 - (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

This condition does not apply to the upgrade and maintenance of the road network, which is expressly provided for in the conditions of this consent.

OPERATION OF PLANT AND EQUIPMENT

17. The Applicant must ensure that all plant and equipment used on site, or in connection with the development, is:
- (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

UPDATING & STAGING OF STRATEGIES, PLANS OR PROGRAMS

18. With the approval of the Secretary, the Applicant may submit any strategy, plan or program required by this consent on a progressive basis.

To ensure the strategies, plans or programs under the conditions of this consent are updated on a regular basis, the Applicant may at any time submit revised strategies, plans or programs to the Secretary for approval.

With the agreement of the Secretary, the Applicant may prepare any revised strategy, plan or program without undertaking consultation with all the parties referred to under the relevant condition of this consent.

Notes:

- *While any strategy, plan or program may be submitted on a progressive basis, the Applicant must ensure that all development being carried out on site is covered by suitable strategies, plans or programs at all times.*
- *If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program must clearly describe the specific stage to which the strategy, plan or program applies, the relationship of this stage to any future stages, and the trigger for updating the strategy, plan or program.*

COMMUNITY ENHANCEMENT

19. Prior to the commencement of construction, unless the Secretary agrees otherwise, the Applicant must enter into VPAs with the Councils in accordance with:
- (a) Division 7.1 of Part 7 of the EP&A Act; and
 - (b) the terms of the applicable offer in APPENDIX 4.

SUBDIVISION

20. The Applicant may subdivide the land comprising the site for the purposes of carrying out the development, in the following manner:
- (a) to create a separate freehold title for the purposes of the collector substation from one of the options identified in APPENDIX 9; and
 - (b) to enable registration of long term leases of part of land on any title of the land comprising the site by:
 - (i) registration of plans of subdivision for lease purposes; or
 - (ii) such other manner as may be required under the Conveyancing Act 1919 (NSW) or the NSW Land Registry Services (or its successor),
- as shown by the lease areas contained in APPENDIX 10, in accordance with the EIS and the requirements of the EP&A Act, EP&A Regulation, *Conveyancing Act 1919* (NSW) and the NSW Land Registry Services (or its successor).
21. For the avoidance of doubt, other than as permitted by condition 20(a) of Schedule 2, this consent does not permit the creation of new individual freehold titles as a result of the subdivision of existing freehold titles.
22. Any subdivision certificate issued in relation to a plan of subdivision (or other plan prescribed or required by the NSW Land Registry Services or its successor) registered in accordance with condition 20(b) of Schedule 2 must contain a statement that the subdivision is only for the purposes of registering leases as set out in condition 20(b) of Schedule 2.
23. The consent for subdivision for lease purposes under condition 20(b) of Schedule 2 expires on the date the Secretary is satisfied that the site has been rehabilitated in accordance with condition 35 of Schedule 3.

SCHEDULE 3 ENVIRONMENTAL CONDITIONS - GENERAL

VISUAL

Visual Impact Mitigation

1. For a period of 5 years from the commencement of construction, the owner of any non-associated residence within 4 km of any wind turbine may ask the Applicant to implement visual impact mitigation measures on their land to minimise the visual impacts of the development on their residence (including its curtilage).

Upon receiving such a written request from the owner of these residences, the Applicant must implement appropriate mitigation measures (such as landscaping and vegetation screening) in consultation with the owner.

These mitigation measures must be reasonable and feasible, aimed at reducing the visibility of the wind turbines from the residence and its curtilage, and commensurate with the level of visual impact on the residence.

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

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

Notes:

- To avoid any doubt, mitigation measures are not required to be implemented to reduce the visibility of wind turbines from any other locations on the property other than the residence and its curtilage.

Visual Appearance

2. The Applicant must:
 - (a) minimise the off-site visual impacts of the development;
 - (b) ensure the wind turbines are:
 - painted off white/grey, unless otherwise agreed by the Secretary; and
 - finished with a surface treatment that minimises the potential for glare and reflection;
 - (c) ensure the visual appearance of all ancillary infrastructure (including paint colours) blends in as far as possible with the surrounding landscape;
 - (d) implement vegetation screening comprised of suitable native species around substations and control buildings where they are visible from neighbouring non-associated residences and public viewpoints; and
 - (e) not mount any advertising signs or logos on wind turbines or ancillary infrastructure.

Lighting

3. The Applicant must:
 - (a) minimise the off-site lighting impacts of the development;
 - (b) ensure that any aviation hazard lighting complies with CASA's requirements;
 - (c) ensure that all external lighting associated with the development (apart from any aviation hazard lighting):
 - is installed as low intensity lighting (except where required for safety or emergency purposes);
 - does not shine above the horizontal;
 - uses best management practice for bat deterrence; and
 - complies with *Australian Standard AS 4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting*, or its latest version.

Shadow Flicker

4. The Applicant must ensure that shadow flicker associated with wind turbines does not exceed 30 hours per year at any non-associated residence.

NOISE

Construction & Decommissioning Noise

5. The Applicant must:
 - (a) minimise the construction or decommissioning noise of the development, including any associated traffic noise; and
 - (b) ensure that the noise generated by any construction or decommissioning activities is managed in accordance with the best practice requirements outlined in the *Interim Construction Noise Guideline* (DECC, 2009), or its latest version.
6. Unless the Secretary agrees otherwise, the Applicant must only undertake construction or decommissioning activities between:
 - (a) 7.00 am to 6.00 pm Monday to Friday;
 - (b) 8.00 am to 1.00 pm Saturdays; and
 - (c) at no time on Sundays and NSW public holidays.

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

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

Blasting

7. The Applicant may only carry out blasting on site between 9.00 am and 5.00 pm Monday to Friday and between 8.00 am to 1.00 pm on Saturday. No blasting is allowed on Sundays or public holidays.
8. The Applicant must ensure that any blasting carried out on site does not exceed the criteria in Table 1.

Table 1: Blasting criteria

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

Operational Noise Criteria – Wind Turbines

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

Table 2: Noise criteria dB(A)

Residence	Criteria (dB(A)) with Reference to Hub Height Wind Speed (m/s)									
	3	4	5	6	7	8	9	10	11	12
26, 166	35	35	35	35	35	35	36	38	39	42
60	35	35	35	35	35	35	35	35	37	39
62, 76, 179, 235, 260	36	36	36	37	37	37	37	38	38	40
106, 152, 243	35	35	36	36	37	37	38	39	40	42
144, 276	35	35	35	35	35	35	35	36	37	40
165	35	35	35	35	35	35	36	38	39	42
170	35	35	35	35	35	35	35	35	36	38
282	35	35	35	35	35	35	35	35	35	37
43	35	35	36	37	37	37	37	38	39	40
48	35	35	37	38	39	40	40	41	42	43
138	36	36	36	36	37	37	38	39	40	42
All other non-associated residences	The higher of 35 dB(A) or the existing background noise level (LA90 (10-minute)) plus 5 dB(A)									

Note: To identify the residences referred to in Table 2, see the applicable figures in APPENDIX 2.

Noise generated by the operation of the wind turbines is to be measured in accordance with the relevant requirements of the Department's *Wind Energy: Noise Assessment Bulletin* (2016) (or its latest version), and the provisions in Appendix 5.

However, these criteria do not apply if the Applicant has an agreement with the relevant owner/s of these residences to generate higher noise levels, and the Applicant has advised the Department in writing of the terms of this agreement.

Operational Noise Criteria – Ancillary Infrastructure

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

Noise generated by the operation of ancillary infrastructure is to be measured in accordance with the relevant requirements of the *NSW Noise Policy for Industry* (or its equivalent) as modified by the provisions in Appendix 5.

Operational Noise Monitoring

11. Within 3 months of the commencement of operations (or the commencement of operation of a cluster of turbines, if the development is to be staged), the Applicant must:
- (a) undertake noise monitoring to determine whether the development is complying with the relevant conditions of this consent; and
 - (b) submit a copy of the monitoring results to the Department and the EPA.
12. The Applicant must undertake further noise monitoring of the development if required by the Secretary.

AIR

13. The Applicant must:
- (a) minimise the off-site dust, fume and blast emissions of the development; and
 - (b) minimise the surface disturbance of the site.

SOIL & WATER

Water Supply

14. The Applicant must ensure that it has sufficient water for all stages of the development; and if necessary, adjust the scale of the development to match its available water supply.

Note: Under the Water Act 1912 and/or the Water Management Act 2000, the Applicant is required to obtain the necessary water licences for the development.

Water Pollution

15. Unless an EPL authorises otherwise, the Applicant must comply with Section 120 of the POEO Act.

Note: Section 120 of the POEO Act makes it an offence to pollute any waters.

Operating Conditions

16. The Applicant must:
- (a) ensure the wind turbines and ancillary infrastructure, particularly any access roads on steep slopes, are designed, constructed and maintained to minimise any soil erosion;
 - (b) minimise any soil erosion associated with the construction and decommissioning of the development by implementing the relevant mitigation measures in *Managing Urban Stormwater: Soils and Construction* (Landcom, 2004), or its latest version;
 - (c) ensure all waterway crossings are constructed in accordance with the:
 - *Water Guidelines for Controlled Activities on Waterfront Land* (2012), or its latest version; and
 - *Why Do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings* (2004), or its latest version;
 - (d) store and handle all dangerous or hazardous materials on site in accordance with *AS1940-2004: The storage and handling of flammable and combustible liquids*, or its latest version;
 - (e) ensure the concrete batching plants and substation are suitably bunded; and
 - (f) minimise any spills of hazardous materials or hydrocarbons, and clean up any spills as soon as possible after they occur.

BIODIVERSITY

Restrictions on Clearing and Habitat

17. The Applicant must:
- (a) ensure that no more than ~~103.75~~ **84.2** hectares (ha) of *Box Gum Woodland EEC (LA103)*, including Box Gum Woodland derived grassland, is cleared for the development, unless the Secretary agrees otherwise;
 - ~~(b) undertake the removal of the Wedge tailed eagle (*Aquila audax*) nest located in proximity to Turbine No.81 in Layout Option 1 outside the Wedge tailed eagle breeding season (April to September);~~
 - (c) avoid impacts to the known locations of Yass Daisy (*Ammobium craspedioides*); and
 - (d) implement reasonable and feasible measures to minimise:
 - the impacts of the development on hollow-bearing trees;
 - the impacts of the development on threatened bird and bat populations; and
 - the clearing of native vegetation and key habitat within the approved disturbance footprint.

Biodiversity Offset

18. Prior to the commencement of construction, unless the Secretary agrees otherwise, the Applicant must:
- (a) update the baseline mapping of the vegetation and key habitat within the final disturbance area; and
 - (b) calculate the biodiversity offset credit liabilities for the development in accordance with the *Framework for Biodiversity Assessment* under the *NSW Biodiversity Offset Policy for Major Projects*, in consultation with OEH, and to the satisfaction of the Secretary.
19. Within two years of the commencement of construction, unless the Secretary agrees otherwise, the Applicant must retire the required biodiversity credits, to the satisfaction of OEH.

The retirement of the credits must be carried out in accordance with the *NSW Biodiversity Offsets Policy for Major Projects*, and can be achieved by:

- (a) acquiring or retiring 'biodiversity credits' within the meaning of the *Biodiversity Conservation Act 2016*;
- (b) making payments into an offset fund that has been established by the NSW Government; or
- (c) providing suitable supplementary measures.

Note: Following repeal of the TSC Act on 25 August 2017, credits created under that Act are taken to be 'biodiversity credits' under the Biodiversity Conservation Act 2016, in accordance with clause 22 of the Biodiversity Conservation (Savings and Transitional) Regulation 2017.

Biodiversity Management Plan

20. Prior to the commencement of construction, the Applicant must prepare a Biodiversity Management Plan for the development to the satisfaction of the Secretary. This plan must:
- (a) be prepared in consultation with OEH; and
 - (b) include:
 - a description of the measures that would be implemented for:
 - minimising the amount of native vegetation clearing within the approved development footprint;
 - minimising the loss of key fauna habitat, including tree hollows;
 - minimising the impacts on fauna on site, including undertaking pre-clearance surveys;
 - minimising the potential indirect impacts on threatened and migratory species, including:
 - flora species, including the Yass Daisy (*Ammobium craspedioides*); and
 - fauna species, including the Golden Sun Moth (*Synemon plana*), Brown Tree-creeper (*Climacteris picumnus victorae*), Diamond Firetail (*Stagonopleura guttata*), Grey-crowned Babbler (*Pomatostomus temporalis temporalis*), Scarlet Robin (*Petroica boodang*), Speckled Warbler (*Chthonicola sagittata*), Spotted Harrier (*Circus assimilis*), Square-tailed Kite (*Lophoictinia isura*), Superb Parrot (*Polytelis swainsonii*), Varied Sitella (*Daphoenositta chrysoptera*), Squirrel Glider (*Petaurus norfolcensis*), Eastern Bentwing Bat (*Miniopterus schreibersii oceanensis*) and Yellow-bellied Sheath-tail Bat (*Saccolaimus flaviventris*);
 - rehabilitating and revegetating temporary disturbance areas;
 - protecting native vegetation and key fauna habitat outside the approved disturbance area;
 - maximising the salvage of resources within the approved disturbance area – including vegetative and soil resources – for beneficial reuse (including fauna habitat enhancement) during the rehabilitation and revegetation of the site;
 - collecting and propagating seed (where relevant);
 - controlling weeds and feral pests;

- controlling erosion; and
- bushfire management;
- a detailed program to monitor and report on the effectiveness of these measures.

Following the Secretary's approval, the Applicant must implement the Biodiversity Management Plan.

Bird and Bat Adaptive Management Plan

21. Prior to the commissioning of any wind turbines, the Applicant must prepare a Bird and Bat Adaptive Management Plan for the development in consultation with OEH, and to the satisfaction of the Secretary. This plan must include:
- (a) at least 12 months' worth of baseline data on threatened and 'at risk' bird and bat species and populations in the locality that could be affected by the development;
 - (b) a detailed description of the measures that would be implemented on site for minimising bird and bat strike during operation of the development, including:
 - minimising the availability of raptor perches on wind turbines;
 - prompt carcass removal;
 - controlling pests; and
 - using best practice methods for bat deterrence, including managing potential lighting impacts;
 - (c) trigger levels for further investigation of the potential impacts of the project on particular bird or bat species or populations;
 - (d) an adaptive management program that would be implemented if the development is having an adverse impact on a particular threatened or 'at risk' bird and/or bat species or populations; including the implementation of measures to:
 - reduce the mortality of those species or populations; or
 - enhance and propagate those species or populations in the locality; and
 - (e) a detailed program to monitor and report on:
 - the effectiveness of these measures; and
 - any bird and bat strikes on site;
 - (f) provisions for a copy of all raw data collected as part of the monitoring program to be submitted to OEH and the Secretary.

Following the Secretary's approval, the Applicant must implement the Bird and Bat Adaptive Management Plan.

HERITAGE

Protection of Heritage Items

22. The Applicant must:
- (a) ensure the development does not cause any direct or indirect impacts on the Aboriginal heritage items identified in Table 1 in Appendix 6, or located outside the approved disturbance area; and
 - (b) minimise any impacts on the Aboriginal heritage items identified in Table 2 in Appendix 6.

Note: The locations of the Aboriginal heritage items referred to in this condition are shown in the figure in Appendix 6.

Heritage Management Plan

23. Prior to the commencement of construction, the Applicant must prepare a Heritage Management Plan for the development to the satisfaction of the Secretary. This plan must:
- (a) be prepared by a suitably qualified and experienced person whose appointment has been endorsed by the Secretary;
 - (b) be prepared in consultation with OEH and Aboriginal stakeholders;
 - (c) include up to date baseline mapping of the heritage items within and adjoining the development disturbance area;
 - (d) include a description of the measures that would be implemented for:
 - protecting Aboriginal heritage items identified in Table 1 in Appendix 6 and any items located outside the project disturbance area;
 - minimising and managing the impacts of the development on heritage items identified in Table 2 in APPENDIX 6;
 - a contingency plan and reporting procedure if:
 - Aboriginal heritage items outside the approved disturbance area are damaged;
 - previously unidentified Aboriginal heritage items are found; or
 - Aboriginal skeletal material is discovered;
 - ensuring workers on site receive suitable heritage inductions prior to carrying out any development on site, and that records are kept of these inductions; and

- ongoing consultation with Aboriginal stakeholders during the implementation of the plan;
- (e) a program to monitor and report on the effectiveness of these measures and any heritage impacts of the project.

Following the Secretary's approval, the Applicant must implement the Heritage Management Plan.

TRANSPORT

Designated Heavy and Over-Dimensional Vehicle Routes

24. The Applicant must ensure that all over-dimensional and heavy vehicle access to and from the site is via the Hume Highway and Lachlan Valley Way, as identified in the figures in Appendix 8, unless the Secretary agrees otherwise.

Notes:

- *The Applicant is required to obtain relevant permits under the Heavy Vehicle National Law (NSW) for the use of over-dimensional vehicles on the road network.*

Road Upgrades

25. The Applicant must implement the road upgrades identified in APPENDIX 7 in accordance with the relevant timing requirements, to the satisfaction of the relevant roads authority.

If there is a dispute about the road upgrades to be implemented, or the implementation of these upgrades, then either party may refer the matter to the Secretary for resolution.

Road Maintenance

26. The Applicant must:
- (a) prepare a dilapidation survey in accordance with guidelines and standards established by Austroads of the designated vehicle route on Tangmangaroo Road, Wargeila Road and Yass Valley Way, as identified in the figures in APPENDIX 8:
 - prior to the commencement of any construction and/or decommissioning works, other than pre-construction minor works;
 - within 1 month of the completion of any construction and/or decommissioning works, other than pre-construction minor works;
 - (b) rehabilitate and/or make good any development-related damage:
 - identified during the carrying out of the relevant construction and/or decommissioning works if it could endanger road safety, as soon as possible after the damage is identified, but within 7 days at the latest; and
 - identified during any dilapidation survey carried out following the completion of the relevant construction and/or decommissioning works within 2 months of the completion of the survey, unless the relevant roads authority agrees otherwise,

to the satisfaction of the relevant roads authority.

If the construction and/or decommissioning of the development is to be staged, the obligations in this condition apply to each stage of construction and/or decommissioning.

If there is a dispute about the scope of any remedial works or the implementation of these works, then either party may refer the matter to the Secretary for resolution.

Unformed Crown Roads

27. The Applicant must ensure any unformed Crown road reserves affected by the development are maintained for future use, unless otherwise agreed with the NSW Department of Industry – Crown Lands and Water.

Traffic Management Plan

28. Prior to the commencement of construction, the Applicant must prepare a Traffic Management Plan for the development in consultation with RMS and the Councils, and to the satisfaction of the Secretary. This plan must:
- (a) detail the measures that would be implemented to:
 - minimise the traffic safety impacts of the development and disruptions to local road users during the construction and decommissioning of the development, including:

- consideration of potential interaction with Rye Park Wind Farm in consultation with the applicant of that project;
 - temporary traffic controls, including detours and signage;
 - notifying the local community about development-related traffic impacts;
 - minimising potential conflict between development-related traffic and:
 - rail services;
 - stock movements; and
 - school buses, in consultation with local schools;
 - implement measures to minimise development-related traffic on the public road network outside of standard construction hours;
 - implement measures to minimise dirt tracked onto the public road network from development-related traffic;
 - ensuring loaded vehicles entering or leaving the site have their loads covered or contained;
 - providing sufficient parking on site for all development-related traffic;
 - responding to any emergency repair requirements or maintenance during construction and/or decommissioning; and
 - a traffic management system for managing over-dimensional vehicles; and
 - comply with the traffic conditions in this consent;
- (b) include a driver's code of conduct that addresses:
- travelling speeds;
 - procedures to ensure that drivers to and from the development adhere to the designated over-dimensional and heavy vehicle routes; and
 - procedures to ensure that drivers to and from the development implement safe driving practices;
- (c) include a detailed program to monitor and report on the effectiveness of these measures and the code of conduct.

Following the Secretary's approval, the Applicant must implement the Traffic Management Plan.

AVIATION

Notification of Aviation Authorities

29. Prior to the construction of any wind turbine or wind monitoring mast, the Applicant must provide the following information to CASA, Airservices Australia, and the RAAF (together the authorities):
- (a) co-ordinates in latitude and longitude of each wind turbine and mast;
 - (b) the final height of each wind turbine and mast in Australian Height Datum;
 - (c) ground level at the base of each wind turbine and mast in Australian Height Datum;
 - (d) confirmation of compliance with any OLS; and
 - (e) details of any proposed aviation hazard lighting.
30. Within 30 days of the installation of any wind turbine or mast, the Applicant must:
- (a) provide confirmation to the authorities that the information that was previously provided remains accurate; or
 - (b) update the information previously provided.

RADIOCOMMUNICATIONS

31. If the development results in the disruption to any radio communications services (including point-to-point microwave links) in the area, then the Applicant must make good any disruption to these services as soon as possible following the disruption, but no later than 1 month following notification of the disruption of the service unless the relevant service provider or user or Secretary agrees otherwise.

If there is a dispute about the mitigation measures to be implemented or the implementation of these mitigation measures, then either party may refer the matter to the Secretary for resolution.

BUSHFIRE

32. The Applicant must:
- (a) ensure that the development:
 - provides for asset protection in accordance with the RFS's *Planning for Bushfire Protection 2006* (or equivalent); and
 - is suitably equipped to respond to any fires on site;
 - (b) develop procedures to manage potential fires on site, in consultation with the RFS; and
 - (c) assist the RFS and emergency services as much as possible if there is a fire in the vicinity of the site.

SAFETY

33. The Applicant must:
- prepare a Safety Management System for the development in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 9, 'Safety Management'* prior to the commencement of operation; and
 - implement, and if necessary update, the system over the remaining life of the development.

WASTE

34. The Applicant must:
- minimise the waste generated by the development;
 - classify all waste generated on site in accordance with the EPA's *Waste Classification Guidelines 2014* (or its latest version);
 - store and handle all waste generated on site in accordance with its classification;
 - not receive or dispose of any waste on site; and
 - ensure all waste is disposed of at appropriately licensed waste facilities.

REHABILITATION & DECOMMISSIONING

Rehabilitation Objectives - Decommissioning

35. Within 18 months of the cessation of operations, unless the Secretary agrees otherwise, the Applicant must rehabilitate the site to the satisfaction of the Secretary. This rehabilitation must comply with the objectives in Table 3.

Table 3: Rehabilitation Objectives

Feature	Objective
Development site (as a whole)	<ul style="list-style-type: none">Safe, stable and non-pollutingMinimise the visual impact of any above ground ancillary infrastructure agreed to be retained for an alternative use as far as is reasonable and feasible
Revegetation	<ul style="list-style-type: none">Restore native vegetation generally as identified in the EIS
Above ground wind turbine infrastructure (excluding wind turbine pads)	<ul style="list-style-type: none">To be decommissioned and removed, unless the Secretary agrees otherwise
Wind turbine pads	<ul style="list-style-type: none">To be covered with soil and/or rock and revegetated
Above ground ancillary infrastructure	<ul style="list-style-type: none">To be decommissioned and removed, unless an agreed alternative use is identified to the satisfaction of the Secretary
Internal access roads	<ul style="list-style-type: none">To be decommissioned and removed, unless an agreed alternative use is identified to the satisfaction of the Secretary
Land use	<ul style="list-style-type: none">Restore or maintain land capability as described in the EIS
Community	<ul style="list-style-type: none">Ensure public safety

Progressive Rehabilitation

36. The Applicant must:
- rehabilitate all areas of the site not proposed for future disturbance progressively, that is, as soon as reasonably practicable following construction or decommissioning;
 - minimise the total area exposed at any time; and
 - employ interim rehabilitation strategies to minimise dust generation, soil erosion and weed incursion on parts of the site that cannot yet be permanently rehabilitated.

Dismantling of Wind Turbines

37. Any individual wind turbines which cease operating for more than 12 consecutive months must be dismantled within 18 months after that 12 month period, unless the Secretary agrees otherwise.

SCHEDULE 4 ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy

1. Prior to the commencement of construction, the Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Secretary. This strategy must:
 - (a) provide the strategic framework for environmental management of the development;
 - (b) identify the statutory approvals that apply to the development;
 - (c) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
 - (d) describe the procedures that would be implemented to:
 - keep the local community and relevant agencies informed about the operation and environmental performance of the development;
 - receive, handle, respond to, and record complaints;
 - resolve any disputes that may arise;
 - respond to any non-compliance;
 - respond to emergencies; and
 - (e) include:
 - copies of (or reference to) any strategies, plans and programs approved under the conditions of this consent; and
 - a clear plan depicting all the monitoring to be carried out in relation to the development, including a table summarising all the monitoring and reporting obligations under the conditions of this consent.

Following the Secretary's approval, the Applicant must implement the Environmental Management Strategy.

Revision of Strategies, Plans and Programs

2. Within 3 months of the submission of:
 - (a) an incident report under condition 4 below;
 - (b) an independent environmental audit report under condition 6 below; or
 - (c) any modification to the conditions of this consent (unless the conditions require otherwise),

the Applicant must review and, if necessary, revise the strategies, plans, and programs required under this consent to the satisfaction of the Secretary. Where this review leads to revisions in any such document, then within 4 weeks of the review the revised document must be submitted to the Secretary for approval.

Note: This is to ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the development.

Community Consultative Committee

3. The Applicant must operate a Community Consultative Committee for the development to the satisfaction of the Secretary and in accordance with the *Community Consultative Committee Guidelines for State Significant Project (2016)*, or its latest version.

INCIDENT NOTIFICATION

4. The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of the incident. The notification must identify the development, including the development application number and the name of the development, and set out the location and nature of the incident.

NON-COMPLIANCE NOTIFICATION

5. The Department must be notified in writing to compliance@planning.nsw.gov.au within 7 days after the Applicant becomes aware of any non-compliance. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been done, or will be undertaken, to address the non-compliance.

INDEPENDENT ENVIRONMENTAL AUDIT

6. Within 6 months of the commencement of construction, and every 3 years thereafter, unless the Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit (audit) of the development. These audits must:
- be led and conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;
 - be carried out in consultation with the relevant agencies;
 - assess whether the development complies with the relevant requirements in this consent, and any strategy, plan or program required under this consent; and
 - recommend appropriate measures or actions to improve the environmental performance of the development and any strategy, plan or program required under this consent.

Within 3 months of commencing an audit, or unless otherwise agreed by the Secretary, a copy of the audit report must be submitted to the Secretary, and any other NSW agency that requests it, together with a response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations.

The recommendations must be implemented to the satisfaction of the Secretary.

ACCESS TO INFORMATION

7. The Applicant must:
- make the following information publicly available on its website as relevant to the stage of the development:
 - the EIS;
 - the final layout plans for the development;
 - current statutory approvals for the development;
 - approved strategies, plans or programs required under the conditions of this consent;
 - the proposed staging plans for the development if the construction, operation and/or decommissioning of the development is to be staged;
 - a comprehensive summary of the monitoring results of the development, which have been reported in accordance with the various plans and programs approved under the conditions of this consent;
 - a complaints register, which is to be updated on a monthly basis;
 - minutes of CCC meetings;
 - the annual Statement of Compliance with the EPL;
 - any independent environmental audit, and the Applicant's response to the recommendations in any audit; and
 - any other matter required by the Secretary; and
 - keep this information up to date.
-

APPENDIX 1 SCHEDULE OF LAND

<i>Lot</i>	<i>DP</i>	<i>Lot</i>	<i>DP</i>
13	113987	216	754143
169	754135	256	754143
202	754135	242	754109
213	754135	297	754109
222	754135	115	754109
2	802580	263	754109
318	754135	309	754109
319	754135	276	754143
1	625384	31	754109
3	625384	48	754109
1	625285	139	754109
271	754135	287	754109
281	754135	87	754135
317	754135	88	754135
167	754143	162	754135
183	754143	163	754135
212	754143	238	754135
2	1048648	300	754135
2	1187122	301	754135
3	1187122	1	83173
5	240710	268	754109
279	754109	224	754143
220	754135	234	754143
228	754135	<u>156</u>	<u>754143</u>
233	754135	<u>299</u>	<u>754135</u>
2	625384		
2	625285		
1	742223		

Note: The project site will also be taken to include:

- any crown land, and any road reserves contained within the project site; and
- any land which is required for the road upgrades specified in Appendix 7

<i>Lot</i>	<i>DP</i>
13	113987
169	754135
202	754135
213	754135
222	754135
223	754135
224	754135
309	754135
318	754135
319	754135
4	625284
3	625284
4	625285
274	754135
284	754135
317	754135
167	754143
183	754143
212	754143
2	1048648
2	1187122
3	1187122
5	240710
279	754109
220	754135
228	754135
233	754135
2	625284
2	625285
4	742223

<i>Lot</i>	<i>DP</i>
133	754143
216	754143
256	754143
242	754109
297	754109
115	754109
263	754109
284	754109
285	754109
309	754109
276	754143
31	754109
48	754109
139	754109
287	754109
87	754135
88	754135
162	754135
163	754135
238	754135
300	754135
301	754135
4	83173
268	754109
224	754143
234	754143
214	754135
231	754135
133	754143
4	517174

Note: The project site will also be taken to include:

- ~~any crown land, including road reserves, contained within the project site; and~~
- ~~any land which is required for the road upgrades specified in Appendix 7.~~

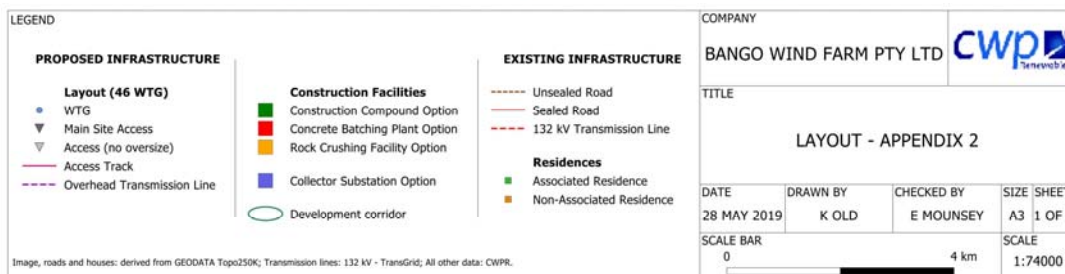
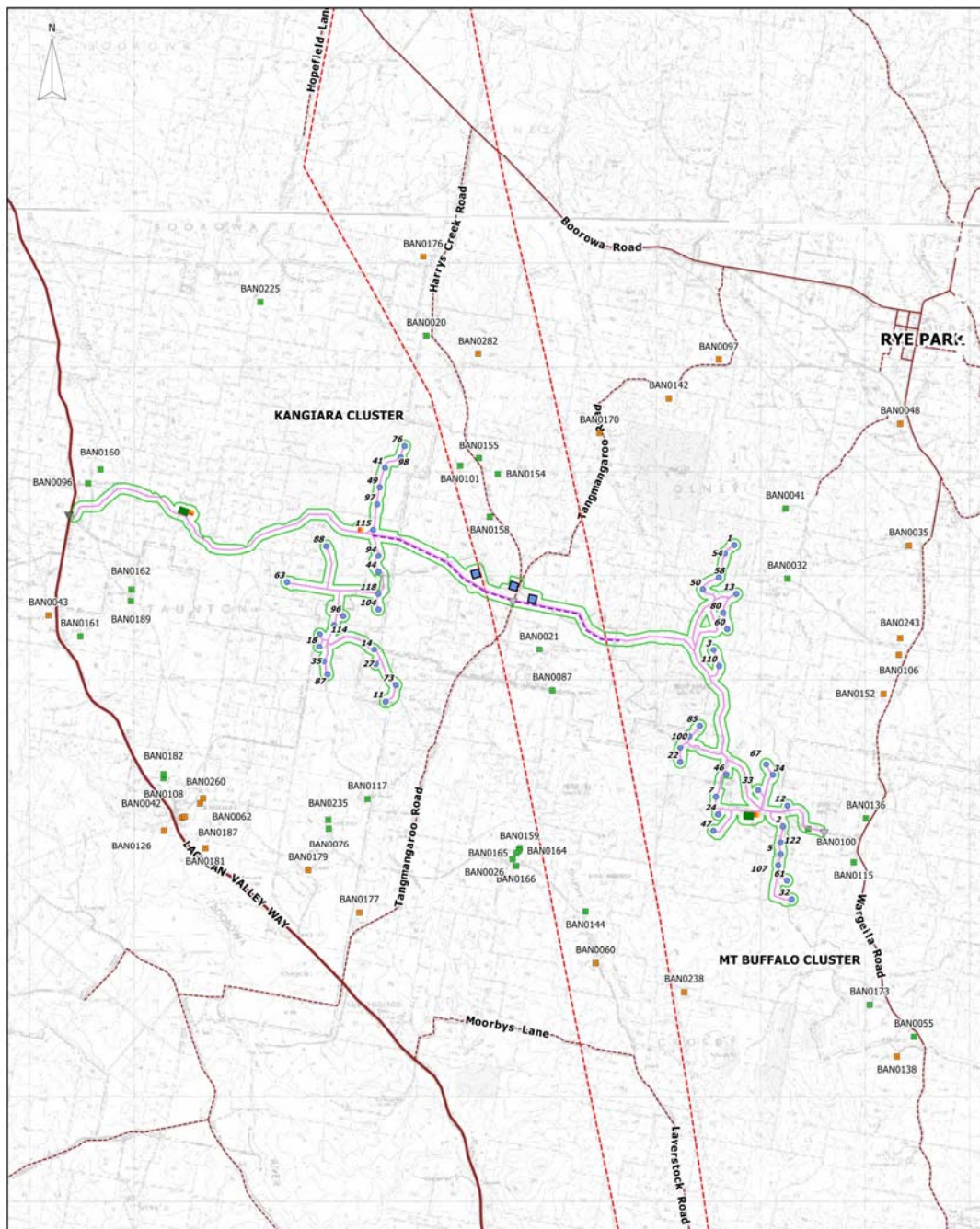
APPENDIX 2 DEVELOPMENT LAYOUT

Kangiarra Cluster		
Wind Turbine ID	Coordinates	
	Easting	Northing
11	664944	6171739
14	664721	6172733
18	663673	6172786
27	664756	6172455
35	663756	6172505
49	664831	6175855
63	663056	6174030
73	665140	6172054
76	665306	6176655
87	663831	6172255
88	663806	6174730
89	663681	6173030
94	664806	6174530
96	664131	6173380
97	664781	6175530
98	665231	6176430
104	664806	6173505
114	663956	6173205
115	664704	6175039
118	664806	6173805

Mt Buffalo Cluster		
Wind Turbine ID	Coordinates	
	Easting	Northing
1	671618	6174752
2	672551	6169350
3	671220	6172725
5	672506	6168805
7	671261	6169917
22	670581	6170580
24	671306	6169580
32	672716	6167943
33	672070	6170045
34	672357	6170336
46	671465	6170340
47	671217	6169267
50	671015	6173890
54	671435	6174584
57	670581	6170855
58	671320	6174118
60	671481	6173130
61	672625	6168300
67	672228	6170535
80	671402	6173443

Mt Buffalo Cluster		
Wind Turbine ID	Coordinates	
	Easting	Northing
85	670956	6171280
100	670756	6171080
107	672458	6168591
110	671328	6172413
122	672508	6169040

*Note: Coordinate system is GDA 94
Zone 55*



APPENDIX 3 MICRO-SITING RESTRICTIONS

Wedge-tailed Eagle Nest			Applicable Wind Turbines
ID	Coordinates		
	Easting	Northing	
2	665017	6176798	76, 98
3	664978	6172571	14, 27

Note:

- To identify the wind turbines in the table, see the applicable tables and figures in Appendix 2.
- Coordinate system is GDA 94 Zone 55.

Wedge-tailed Eagle Nest			Applicable Wind Turbines Layout Option 1
ID	Coordinates		
	Easting	Northing	
2	665017	6176798	14, 27
3	664978	6172571	76, 98
5	670906	6168050	25

APPENDIX 4
GENERAL TERMS OF APPLICANT'S VPA OFFER

The VPAs must include provisions for the payment, collection, management and distribution of the contributions under the agreement, with a focus on funding community projects in the area surrounding the project site.

<i>Council</i>	<i>Payment Details</i>
Hilltops Council	\$2,825 per wind turbine built per annum within the Hilltops Council local government area over the operational life of the development, commencing on the date on which the development begins 'operation' and ceasing when the development is 'decommissioned' in accordance with the definitions within this consent, and CPI adjusted from 1 July commencing on the first anniversary of the operational date.
Yass Valley Council	\$2,825 per wind turbine built per annum within the Yass Valley Council local government area over the operational life of the development, commencing on the date on which the development begins 'operation' and ceasing when the development is 'decommissioned' in accordance with the definitions within this consent, and CPI adjusted from 1 July commencing on the first anniversary of the operational date.

APPENDIX 5 NOISE COMPLIANCE ASSESSMENT

Applicable Meteorological Conditions – Wind Turbines

1. The noise criteria in Table 2 of condition 9, Schedule 3, are to apply under all meteorological conditions.

Applicable Meteorological Conditions – Other Facilities

2. The noise criteria in condition 10, Schedule 3, are to apply under all meteorological conditions except the following:
 - a) wind speeds greater than 3 m/s at 10 m above ground level; or
 - b) temperature inversion conditions between 1.5 °C and 3°C/100m and wind speeds greater than 2 m/s at 10 m above ground level; or
 - c) temperature inversion conditions greater than 3°C/100m.

APPENDIX 6 ABORIGINAL HERITAGE ITEMS

Table 1: Aboriginal heritage items – avoid impacts

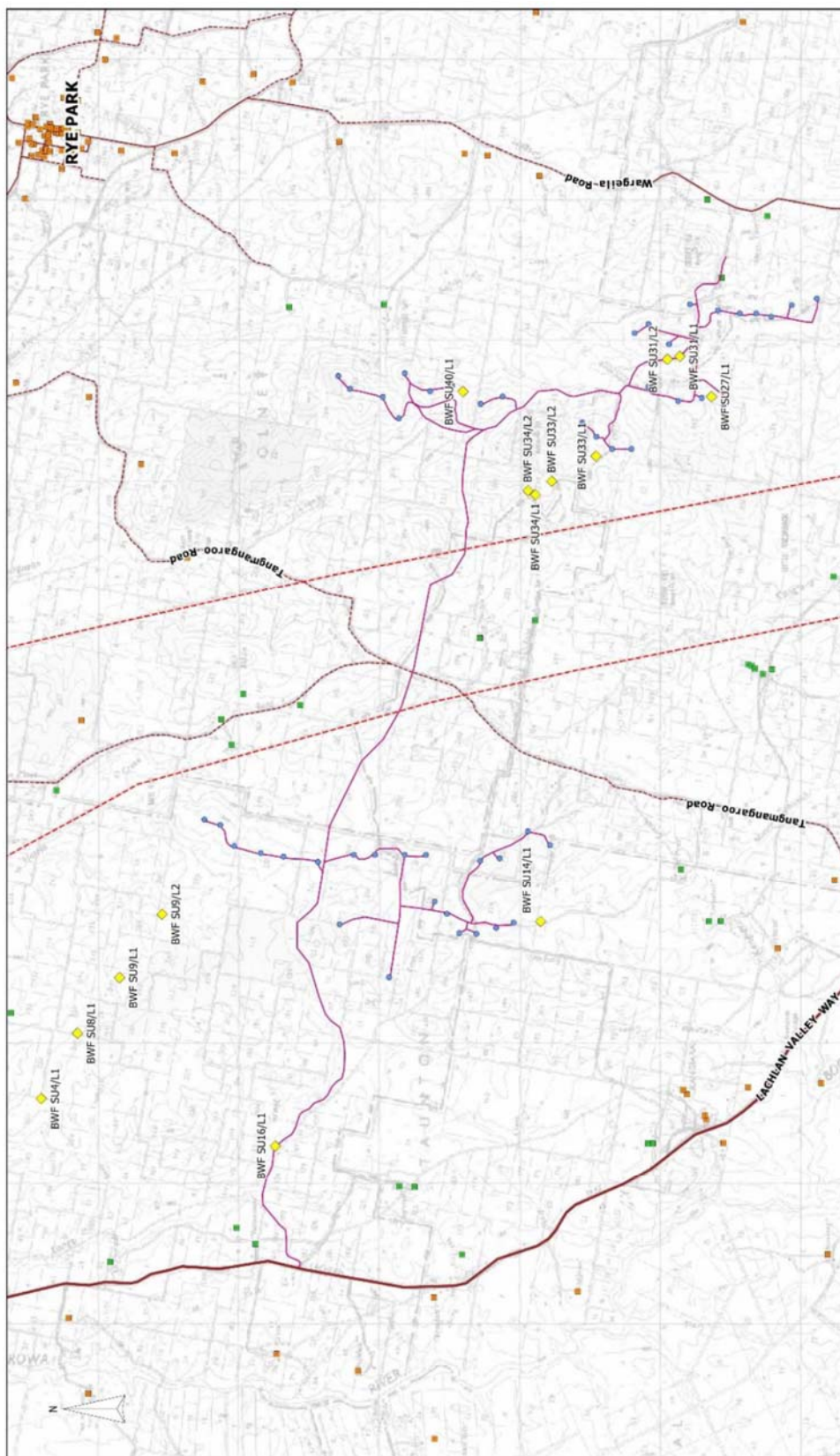
<i>Survey Unit</i>	<i>Item</i>
SU4	SU4/L1
SU8	SU8/L1
SU9	SU9/L1, SU9/L2
SU33	SU33/L1, SU33/L2
SU34	SU34/L1, SU34/L2

<i>Survey Unit</i>	<i>Item</i>
SU4	SU4/L1
SU8	SU8/L1
SU9	SU9/L1, SU9/L2

Table 2: Aboriginal heritage items – minimise impacts

<i>Survey Unit</i>	<i>Item</i>
SU16	SU16/L1
SU27	SU27/L1
SU31	SU31/L1, SU31/L2
SU40	SU40/L1

<i>Survey Unit</i>	<i>Item</i>
SU14	SU14/L1
SU16	SU16/L1
SU27	SU27/L1
SU31	SU31/L1, SU31/L2
SU33	SU33/L1, SU33/L2
SU34	SU34/L1, SU34/L2
SU40	SU40/L1



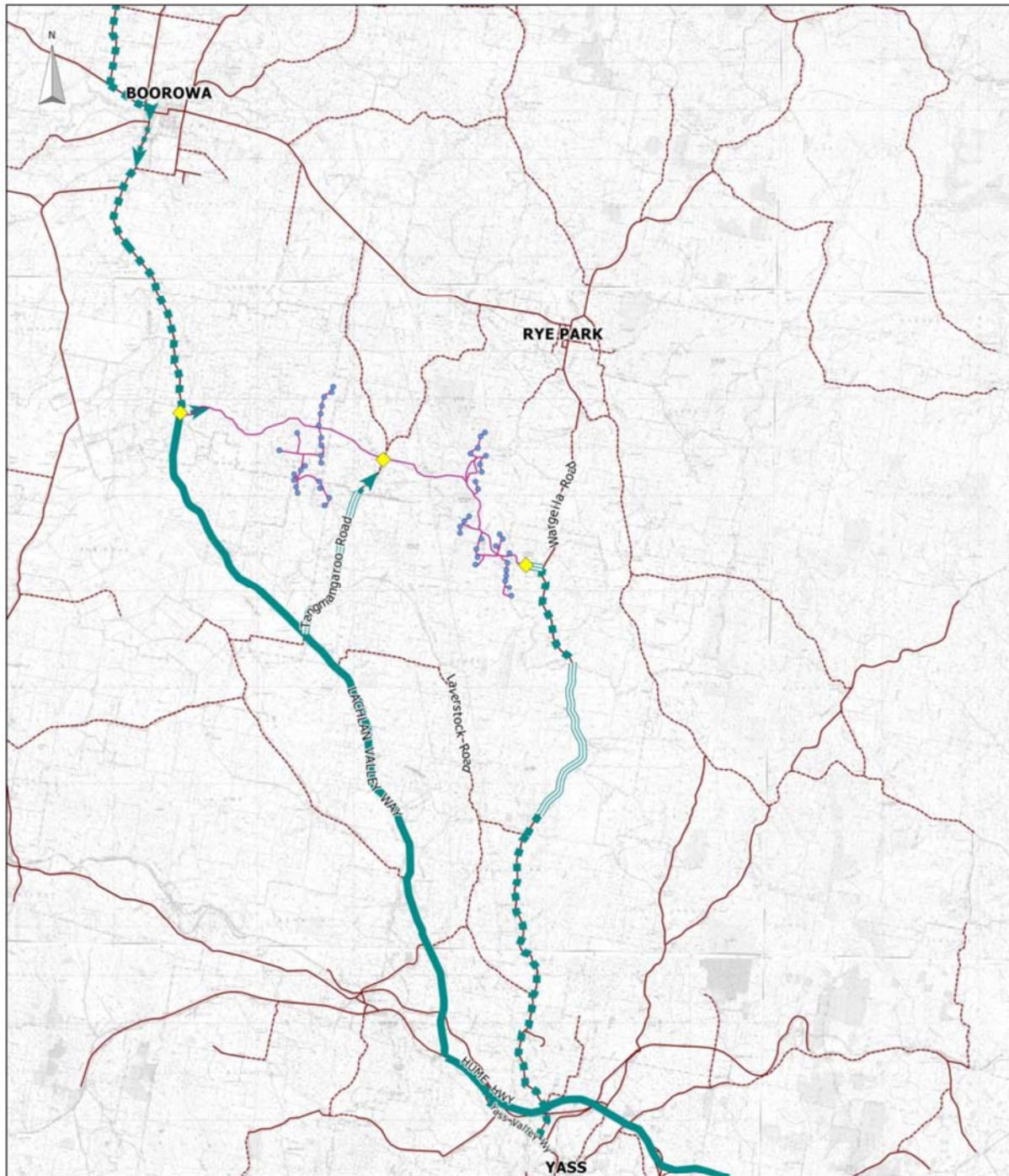
LEGEND		COMPANY		CWP RENEWABLES		cwp	
Archaeological Survey Unit		Existing Infrastructure		Dwellings		TITLE	
WTG LOT (49 turbines)		Unsealed Road		Involved Residence		DP&E ASSESSMENT - BANGO ABORIGINAL HERITAGE	
Wind Farm Access Tracks		Sealed Road		Non-Involved Residence		DATE	
		132 kV Transmission Line				23 NOV 2018	
						DRAWN BY	
						B KRONENBERG	
						SCALE	
						1:54,000	
						CHECKED BY	
						K OLD	
						DWG NO	
						159	
						SHEET	
						1 OF 1	
						JOB NO	
						090811	
						REV	
						A	
						VER	
						3	
						SIZE	
						A3	

APPENDIX 7 SCHEDULE OF ROAD UPGRADES

Road/ Intersection	Start – End	Length (km)	Upgrade	Timing
Lachlan Valley Way	Hume Highway to Site Access Point	30	Adjust overhead powerlines at rail bridge overpass as necessary to allow access for over-dimensional vehicles	Prior to commencing the use of Lachlan Valley Way for any over-dimensional or heavy vehicle traffic associated with the construction of the development
Lachlan Valley Way / Site Access Point Intersection	-	-	Upgrade with a Basic Right Turn (BAR) and Basic Left Turn (BAL) intersection treatment in accordance with the <i>Austroads Guide to Road Design</i> as amended by the supplements adopted by RMS	Prior to commencing the use of the Lachlan Valley Way / site access point intersection for any traffic associated with the construction of the development
Tangmangaroo Road / Site Access Points Intersection	-	-	Upgrade as necessary with a Rural Property Access type treatment in accordance with the <i>Austroads Guide to Road Design</i> as amended by the supplements adopted by RMS	Prior to commencing the use of the Tangmangaroo Road / site access point intersection for any traffic associated with the construction of the development
Wargeila Road / Site Access Point Intersection	-	-	Upgrade as necessary with a Rural Property Access type treatment in accordance with the <i>Austroads Guide to Road Design</i> as amended by the supplements adopted by RMS	Prior to commencing the use of the Wargeila Road / site access point intersection for any traffic associated with the construction of the development

Note: To identify the approximate location of the site access points, see the figure in APPENDIX 8.

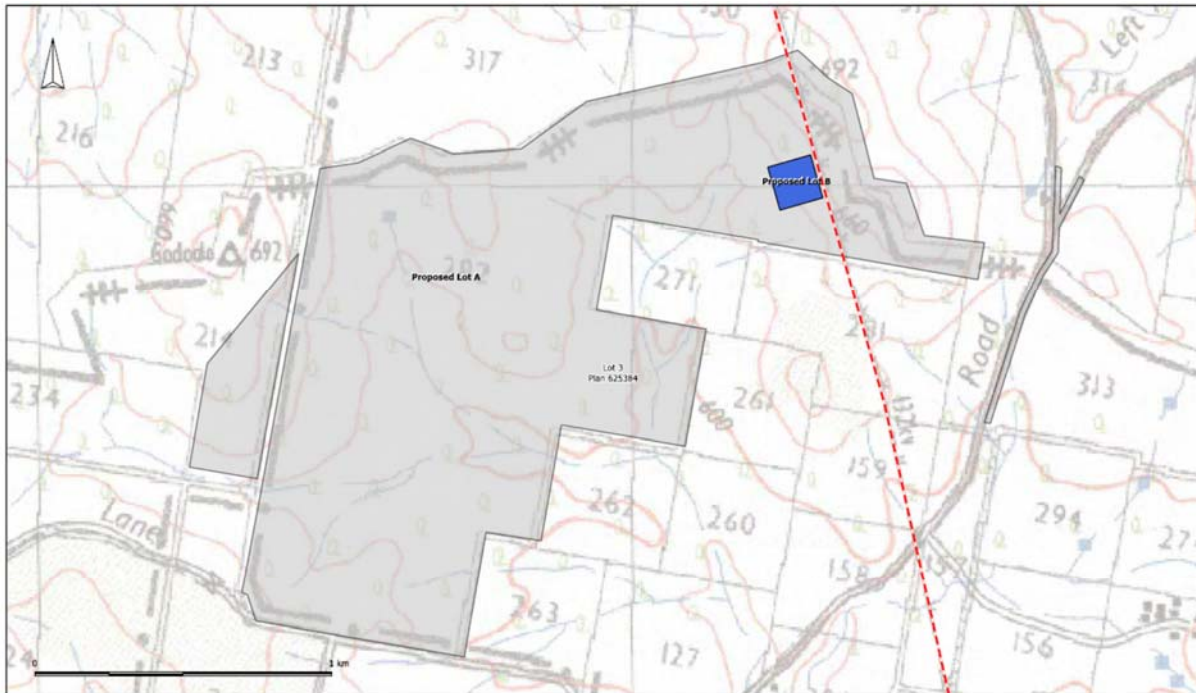
APPENDIX 8 OVER-DIMENSIONAL AND HEAVY VEHICLE ACCESS ROUTE RESTRICTIONS



LEGEND		COMPANY		<div><div>BANGO WIND FARM PTY LTD</div><div>CWP Rethinking Infrastructure</div></div>		
<div><div><div>WTG Layout</div><div><div>● Layout 1 (49 WTGs)</div><div>◆ Access Point</div><div>— Access Tracks</div></div><div><div>..... Light vehicle route (sealed)</div><div>==== Light vehicle route (unsealed)</div><div>— Oversized vehicle route (sealed)</div></div></div></div>		TITLE				BANGO TRANSPORT SUMMARY
SCALE BAR		DATE	SCALE	DWG NO	REV	VER
<div><div>0</div><div></div><div>15 km</div></div>		23 NOV 2018	1:150000	BAN-146	A	3
		DRAWN BY	CHECKED BY	SHEET	JOB NO	SIZE
		B KRONENBERG	K OLD	1 OF 1	080811	A3



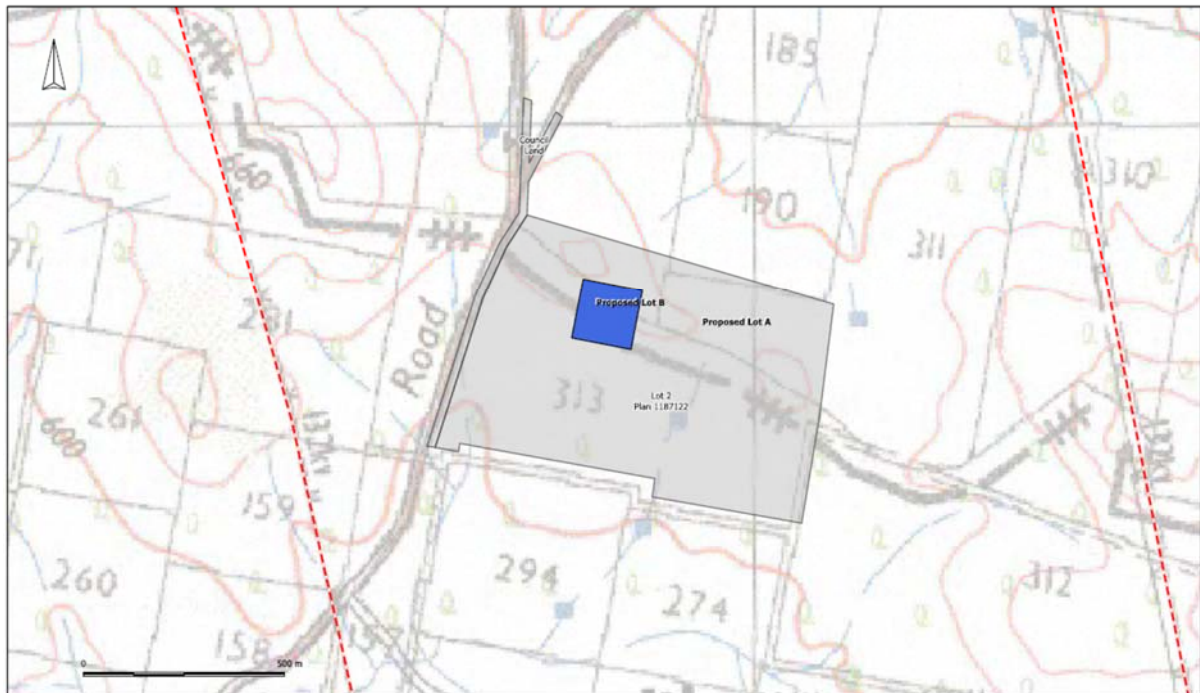
APPENDIX 9 LAYOUT OPTIONS FOR COLLECTOR SUBSTATION



<p>LEGEND</p> <ul style="list-style-type: none"> Proposed Lot A Proposed Lot B (Collector Substation) 132 kV Transmission Line <p><i>Note, final location of Proposed Lot B will be subject to micro-siting, in accordance with the Development Consent</i></p>		<p>COMPANY</p> <p>BANGO WIND FARM PTY LTD</p> <p>cwp</p>	
<p>DATE</p> <p>27 MAY 2019</p>		<p>SCALE</p> <p>1:11000</p>	
<p>DRAWN BY</p> <p>B KRONENBERG</p>		<p>CHECKED BY</p> <p>E MOUNSEY</p>	
<p>PROJECT NO</p> <p>236</p>		<p>REV</p> <p>B</p>	
<p>SHEET</p> <p>1 OF 3</p>		<p>JOB NO</p> <p>080811</p>	
<p>DATE</p> <p>27 MAY 2019</p>		<p>SCALE</p> <p>1:11000</p>	
<p>DRAWN BY</p> <p>B KRONENBERG</p>		<p>CHECKED BY</p> <p>E MOUNSEY</p>	
<p>PROJECT NO</p> <p>236</p>		<p>REV</p> <p>B</p>	
<p>SHEET</p> <p>1 OF 3</p>		<p>JOB NO</p> <p>080811</p>	
<p>DATE</p> <p>27 MAY 2019</p>		<p>SCALE</p> <p>1:11000</p>	
<p>DRAWN BY</p> <p>B KRONENBERG</p>		<p>CHECKED BY</p> <p>E MOUNSEY</p>	
<p>PROJECT NO</p> <p>236</p>		<p>REV</p> <p>B</p>	
<p>SHEET</p> <p>1 OF 3</p>		<p>JOB NO</p> <p>080811</p>	



<p>LEGEND</p> <ul style="list-style-type: none"> Proposed Lot A Proposed Lot B (Collector Substation) 132 kV Transmission Line <p><i>Note, final location of Proposed Lot B will be subject to micro-siting, in accordance with the Development Consent</i></p>		<p>COMPANY</p> <p>BANGO WIND FARM PTY LTD</p> <p>cwp</p>	
<p>DATE</p> <p>27 MAY 2019</p>		<p>SCALE</p> <p>1:11000</p>	
<p>DRAWN BY</p> <p>B KRONENBERG</p>		<p>CHECKED BY</p> <p>E MOUNSEY</p>	
<p>PROJECT NO</p> <p>236</p>		<p>REV</p> <p>B</p>	
<p>SHEET</p> <p>2 OF 3</p>		<p>JOB NO</p> <p>080811</p>	
<p>DATE</p> <p>27 MAY 2019</p>		<p>SCALE</p> <p>1:11000</p>	
<p>DRAWN BY</p> <p>B KRONENBERG</p>		<p>CHECKED BY</p> <p>E MOUNSEY</p>	
<p>PROJECT NO</p> <p>236</p>		<p>REV</p> <p>B</p>	
<p>SHEET</p> <p>2 OF 3</p>		<p>JOB NO</p> <p>080811</p>	
<p>DATE</p> <p>27 MAY 2019</p>		<p>SCALE</p> <p>1:11000</p>	
<p>DRAWN BY</p> <p>B KRONENBERG</p>		<p>CHECKED BY</p> <p>E MOUNSEY</p>	
<p>PROJECT NO</p> <p>236</p>		<p>REV</p> <p>B</p>	
<p>SHEET</p> <p>2 OF 3</p>		<p>JOB NO</p> <p>080811</p>	



LEGEND

Proposed Lot A

Proposed Lot B (Collector Substation)

132 kV Transmission Line

Note, final location of Proposed Lot B will be subject to micro-siting, in accordance with the Development Consent

COMPANY

BANGO WIND FARM PTY LTD

cwp

consultants

TITLE

ELECTRICAL CONNECTION INFRASTRUCTURE 3

DATE	27 MAY 2019	SCALE	1:7500	DWG NO	236	REV	B	SER	1
DRAWN BY	B KRONENBERG	CHECKED BY	E MOUNSEY	SHEET	3 OF 3	JOB NO	080811	SZ	A3

The map displays two distinct clusters of land parcels, each outlined with a black border. The 'KANGIARA CLUSTER' is located in the lower-left portion of the map, featuring parcels in shades of green, blue, and purple. The 'NT BUFFALO CLUSTER' is located in the upper-right portion, featuring parcels in shades of orange, yellow, and purple. A red dashed line runs diagonally across the map, separating the two clusters. Various roads and infrastructure are shown, including a road labeled 'KANGIARA ROAD' and another labeled 'KANGIARA ROAD'. A scale bar at the bottom right indicates a distance of 2 km. A north arrow is located in the bottom left corner.

<div>LEGEND</div> <div><div><div><div><div></div><div>49 WTG Layout</div></div><div><div></div><div>Access Track</div></div><div><div></div><div>Overhead Transmission Line</div></div><div><div></div><div>Area to be leased</div></div></div><div><div><div><div></div><div>Construction Facilities</div></div><div>Construction, Maintenance and Operations Compound</div><div>Concrete Batching Plant</div><div>Rock Crushing Facility</div><div>Collector Substation Option</div></div><div><div><div><div></div><div>Existing Infrastructure</div></div><div>Unformed Crown & Council Roads</div><div>Landowners (Various colours)</div></div></div></div></div></div>	COMPANY	BANGO WIND FARM PTY LTD			
	TITLE	BANGO WIND FARM INDICATIVE SITE INFRASTRUCTURE & TURBINE LAYOUT MAP			
	DATE	SCALE	DWG NO	REV	VER
	DRAWN BY	30 MAY 2019	1:54000	258	D 1
	CHECKED BY	E. MCINSEY	SHEET	1 OF 3	A3