

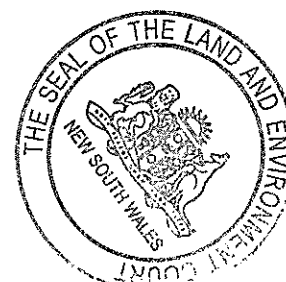
Project Approval

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

I, the Minister for Planning, approve the project referred to in Schedule 1, subject to the conditions in Schedule 2.

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 project.



The Hon Kristina Keneally MP
Minister for Planning

Sydney

2009

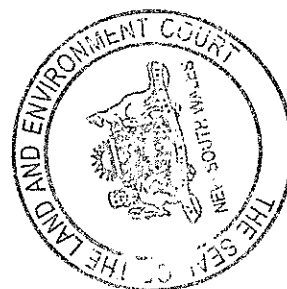
File No: S07/00846

SCHEDULE 1

Application No:	07_0118
Proponent:	Gullen Range Wind Farm Pty Ltd
Approval Authority:	Minister for Planning
Land:	Land to which Major Project Application 07_0118 applies
Project:	Construction and operation of a wind farm with generation capacity of up to 278 megawatt including: 84 turbines; substation; transmission connection; control room; facilities building; access tracks; and minor road upgrades on the Gullen Range (Southern Tablelands Region NSW): Kialla, Bannister, Pomeroy and Gurrundah sites
Major Project:	The project was declared a Major Project under section 75B(1)(a) of the <i>Environmental Planning and Assessment Act 1979</i> , because it is development of a kind described in clause 24 of Schedule 1 of <i>State Environmental Planning Policy (Major Projects) 2005</i> .

KEY TO CONDITIONS

1. ADMINISTRATIVE CONDITIONS	6
Terms of Approval	6
Modifications to the Scope of the Project	6
Limits of Approval	6
Statutory Requirements	7
Decommissioning	7
2. SPECIFIC ENVIRONMENTAL CONDITIONS	7
Visual Amenity	7
Noise Impacts	9
Flora and Fauna Impacts	14
Aviation	15
Electromagnetic Interference	17
Soil and Water Quality Impacts	17
Heritage Impacts	17
Waste Generation and Management	18
3. ENVIRONMENTAL MONITORING AND AUDITING	18
Bird and Bat Monitoring	18
Noise Monitoring – Operation	19
Independent Environmental Auditing	19
4. ANCILLARY FACILITIES	19
5. COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT	20
Provision of Electronic Information	20
Community Information Plan	20
Complaints Procedure	20
Community Enhancement Program	21
6. COMPLIANCE TRACKING PROGRAM	21
7. ENVIRONMENTAL MANAGEMENT	22
Environmental Representative	22
Construction Environmental Management Plan (CEMP)	22
Operation Environmental Management Plan (OEMP)	24
8. ENVIRONMENTAL REPORTING	25
Incident Reporting	25



SCHEDULE 2

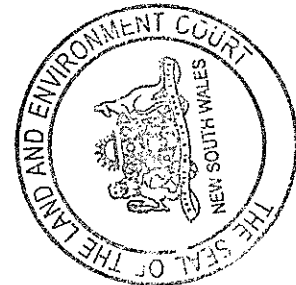
Associated property	A property comprising one or more lots, that is owned, leased or otherwise lawfully used by the Proponent or where there is a written agreement between the owner of the property and the Proponent (but only during the currency of the agreement) that part of the property in relation to which the agreement is established.
Associated residence	A residence within a property, comprising one or more lots, that is owned, leased or otherwise lawfully used by the Proponent or where there is a written agreement between the owner of the property and the Proponent (but only during the currency of the agreement) that part of the property in relation to which the agreement is established.
Council	Refers to both Upper Lachlan Shire Council and Goulburn Mulwaree Council unless otherwise stated
DECC	Department of Environment and Climate Change
Department, the	Department of Planning
Director-General, the	Director-General of the Department of Planning (or delegate).
Director-General's Approval or the agreement or satisfaction of the Director-General	A written approval from the Director-General (or delegate). Where the Director-General's Approval is required under a condition the Director-General will endeavour to provide a response within one month of receiving an approval request. The Director-General may ask for additional information if the approval request is considered incomplete. When further information is requested the time taken for the Proponent to respond in writing will be added to the one month period.
Dust EA	Any solid material that may become suspended in air or deposited <i>Proposed Development of the Gullen Range Wind Farm, Southern Tablelands, New South Wales Part 3A Environmental Assessment (Project Application 07_0118)</i> , prepared by Epuron Pty Ltd and dated July 2008.
EPA	Environment Protection Authority as part of the Department of Environment and Climate Change
Minister, the	Minister for Planning
Month	Thirty (30) days
Operation	The point at which turbines approved or at which all turbines of the project constructed in any stage (pursuant to condition 1.8) are practically complete and ready for operation for the purpose of generating electricity.
Proponent	Gullen Range Wind Farm Pty Ltd
Reasonable and feasible	Consideration of best practice taking into account the benefit of proposed measures and their technological and associated operational application in the NSW and Australian context. Feasible relates to engineering considerations and what is practical to build. Reasonable relates to the application of judgement in arriving at a decision, taking into account mitigation benefits and cost of mitigation versus benefits provided, community views and nature and extent of potential improvements.
RFS	The New South Wales Rural Fire Service
RTA	The Roads and Traffic Authority
Site	Land to which Major Projects Application 07_0118 applies.
Statement of Commitments	<i>Proposed Development of the Gullen Range Wind Farm, Southern Tablelands, New South Wales Final Statement of</i>



Submission Report

Commitments, prepared by Epuron Pty Ltd and dated November 2008.

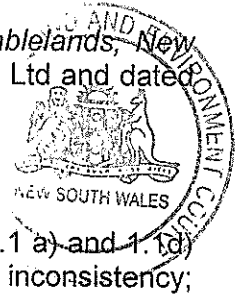
Proposed Development of the Gullen Range Wind Farm, Southern Tablelands, New South Wales Response to Submissions to the Environmental Assessment, prepared by Epuron Pty Ltd and dated November 2008



1. ADMINISTRATIVE CONDITIONS

Terms of Approval

- 1.1 The Proponent shall carry out the project generally in accordance with:
- Major Project Application 07_0118;
 - Proposed Development of the Gullen Range Wind Farm, Southern Tablelands, New South Wales Part 3A Environmental Assessment (Project Application 07_0118)*, prepared by Epuron Pty Ltd and dated July 2008;
 - Proposed Development of the Gullen Range Wind Farm, Southern Tablelands, New South Wales Response to Submissions to the Environmental Assessment*, prepared by Epuron Pty Ltd and dated November 2008;
 - Proposed Development of the Gullen Range Wind Farm, Southern Tablelands, New South Wales Final Statement of Commitments*, prepared by Epuron Pty Ltd and dated November 2008; and
 - the conditions of this approval.
- 1.2 In the event of an inconsistency between:
- the conditions of this approval and any document listed from condition 1.1 a) and 1.1 d) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
 - any document listed from condition 1.1 a) and 1.1 d) inclusive, and any other document listed from condition 1.1 a) and 1.1 d) inclusive, the most recent document shall prevail to the extent of the inconsistency.
- 1.3 The Proponent shall comply with any reasonable requirement(s) of the Director-General arising from the Department's assessment of:
- any reports, plans or correspondence that are submitted in accordance with this approval; and
 - the implementation of any actions or measures contained in these reports, plans or correspondence.



Modifications to the Scope of the Project

- 1.4 Pursuant to section 75J(4) of the *Environmental Planning and Assessment Act 1979* the project is modified to delete the following turbines from the scope of the project: KIA_03, KIA_04, KIA_05, KIA_06, KIA_07, KIA_08, KIA_09, KIA_10, KIA_11, KIA_12 and KIA_14. This approval does not authorise construction of these turbines.

Note: the turbines referred to under condition 1.4 have been removed from the project based on a precautionary approach with respect to potential aviation hazards associated with the project, and for potential users of the Crookwell Airstrip. Turbines have been selected for deletion from the project based on the Inner Horizontal and Conical Surfaces identified for a Code 2, Non-instrument runway under *Manual of Standards Part 139 – Aerodromes (Version 1.4)* (Civil Aviation Safety Authority, April 2008).

- 1.5 Pursuant to section 75J(4) of the *Environmental Planning and Assessment Act 1979* the project is modified to remove the ability of the Proponent to relocate turbines from the locations indicated in the document referred to under condition 1.1b) by up to 250 metres, without further assessment and approval in accordance with the requirements of the *Environmental Planning and Assessment Act 1979*.

Limits of Approval

- 1.6 This approval shall lapse five years after the date on which it is granted unless the Proponent has confirmed to the satisfaction of the Director-General that orders have been placed for wind turbines, or demonstrated that work subject of this approval has been completed on the site before that time.

Statutory Requirements

- 1.7 The Proponent shall ensure that all licences, permits and approvals are obtained and maintained as required throughout the life of the project. No condition of this approval removes the obligation for the Proponent to obtain, renew or comply with such licences, permits or approvals. The Proponent shall ensure that a copy of this approval and all relevant environmental approvals are available on the site at all times during the project.
- 1.8 The Proponent may elect to construct the project in stages. In this case, these conditions of approval may be complied with separately for each stage, as relevant.

Decommissioning

- 1.9 Within one year of decommissioning, the site shall be returned, as far as practicable, to its condition prior to the commencement of construction. All wind turbines and associated above ground structures (i.e. not including turbine foundations) including but not necessarily limited to, the substation, the control and facilities building and electrical infrastructure shall be removed from the site unless otherwise agreed by the Director-General, except where the substation, control room or overhead electricity lines are transferred to or in the control of the local electricity network operator. All other elements associated with the project, including site roads, shall be removed unless otherwise agreed to by relevant the landowner(s).
- 1.10 If any wind turbine is not used for the generation of electricity for a continuous period of 12 months, it shall be decommissioned by the Proponent, unless otherwise agreed by the Director-General. The Proponent shall keep independently-verified annual records of the use of wind turbines for electricity generation. Copies of these records shall be provided to the Director-General upon request. The relevant wind turbine and any associated infrastructure is to be dismantled and removed from the site by the Proponent within 24 months from the date that the wind turbine was last used to generate electricity.
- 1.11 Prior to the commencement of construction, the Proponent shall provide written evidence to the satisfaction of the Director-General that the lease agreements with the site landowners have adequate provisions to require that decommissioning occurs in accordance with this approval.

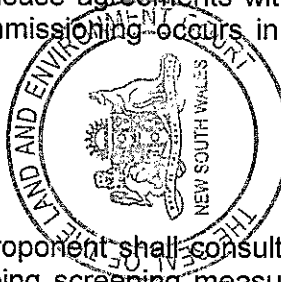
2. SPECIFIC ENVIRONMENTAL CONDITIONS

Visual Amenity

Landscaping Requirements

- 2.1 Prior to the commencement of Operation, the Proponent shall consult with Council and the RTA in relation to the need to provide landscaping screening measures along public road reserves such as but not limited to Range Road, Storriers Lane, Bannister Lane and Grabben Gullen Road and shall report to the Director-General on the outcomes of this consultation. The Proponent shall implement landscaping screening measures in accordance with the Director-General's requirements.
- 2.2 Not more than six months prior to the commencement of Operation, the Proponent shall notify in writing:
 - (a) all owners of existing or approved residential dwellings that are located within three kilometres of the project;
 - (b) all owners of approved subdivision allotments where there is an approved dwelling entitlement, where such subdivision allotments were approved by the date of approval of the project that are located within three kilometres of the project;
 - (c) the owners of Lot 55 of DP 754115;
 - (d) but excluding the owners of Lot 118 of DP 1116333 and Lot 121 of DP 754115 and the owners of Lots 143 and 303 of DP 754115, Lot 2 of DP 541500 and Lot 2 of DP 541499

that they may be eligible to have landscaping treatment on their property in order to minimise the visual impact of the project on their property.



2.3 Any such owner (or their successors) who may potentially be eligible to have landscaping treatment (as they have views or likely views of a turbine(s) on their property pursuant to clause 2.2 may, no later than six months after the commencement of operation, advise the Proponent whether access to their property for landscaping assessment is granted and request the Proponent to investigate such ways of minimising the visual impact of the project on their property. The Proponent shall:

- a) within fourteen (14) days of receiving the request, commission a suitably qualified person approved by the Director-General, to:
 - i. inspect the relevant property and determine whether the property is eligible to have landscaping treatment under condition 2.2; and
 - ii. investigate reasonable and feasible measures to minimise the visual impacts of the project on the landowner's property using landscape treatments, if that qualified person determines the property is eligible to have landscaping treatment;
- b) ensure that the qualified person provides a landscaping plan detailing the matters investigated and consequential recommendations within twelve (12) weeks of receiving such request; and
- c) provide the landowner with a copy of the landscaping plan, including suggested landscape treatment measures, within fourteen (14) days of receiving the plan.

Should the parties be unable to reach agreement within one month of receiving the request referred to at a) above whether the property is eligible to have landscaping treatment pursuant to condition 2.2, then either party may refer the matter to the Director-General for resolution. The Director-General's decision on such a referral shall be final and binding on the parties.

Landscaping treatments shall be agreed within one month of the landowner receiving a copy of the visual impact mitigation report. The Proponent shall implement the agreed measures with all landscaping being completed within three months (where practical). The Proponent shall maintain these measures, at their cost, for a period of two years. Access and notification arrangements are to be negotiated between the parties.

Landscape treatments shall include, but not be limited to, site preparation, stock and rabbit-proof fencing, selection and planting of appropriate species decided by both parties, watering, weed control and the replacement of failed plants.;

Should the parties be unable to reach agreement, within three months of an eligible landowner receiving a copy of a landscaping plan in accordance with condition 2.3(c) above, on the scope of and/or timing of implementation of landscaping treatments, then either party may refer the matter to the Director-General for resolution. The Director-General's decision on such a referral shall be final and binding on the parties.



Turbine External Design

- 2.4 Wind turbine generators shall be painted matte off-white/grey. The blades shall be finished with a surface treatment that minimises any potential for glare or reflection.
- 2.5 No advertising signs or logos shall be mounted on the turbines, except where required for safety purposes. A corporate logo may be placed on the turbines provided it is not distinguishable by the naked eye from any publicly accessible location, or from any properties not being an associated property.

Lighting

- 2.6 No external lighting other than low intensity security night lighting of infrastructure associated with the project, including wind turbine generators is permitted; unless otherwise agreed or directed by the Director-General.

Shadow-flicker

- 2.7 Shadow flicker arising from the operation of the project shall not exceed 30 hours/annum at any residence not being an associated residence..

Noise Impacts

Construction Noise

- 2.8 The Proponent shall only undertake construction activities associated with the project that would generate an audible noise at any residential premises during the following hours:
- 7:00 am to 6:00 pm, Mondays to Fridays, inclusive;
 - 8:00 am to 1:00 pm on Saturdays; and
 - at no time on Sundays or public holidays.

This condition does not apply in the event of a direction from police or other relevant authority for safety reasons, or emergency work to avoid the loss of lives, property and/or to prevent environmental harm.

- 2.9 The hours of construction activities specified under condition 2.8 of this approval may be varied with the prior written approval of the Director-General. Any request to alter the hours of construction specified under condition 2.8 shall be:
- considered on a case-by-case basis; and
 - accompanied by details of the nature and need for activities to be conducted during the varied construction hours and any other information necessary to reasonably determine that activities undertaken during the varied construction hours will not adversely impact on the acoustic amenity of receptors in the vicinity of the site; and
 - affected residential receivers being informed of the timing and duration of work approved under this condition at least 48 hours before that work commences.
- 2.10 During construction, the Proponent shall minimise noise emissions from plant and equipment operated on the site by installing and maintaining, wherever practicable, efficient silencers, low-noise mufflers (residential standard) and replacement of reversing alarms on vehicles with alternative silent measures, such as flashing lights

Construction Blasting

- 2.11 Blasting associated with the construction of the project shall only be undertaken during the following hours:
- 9:00 am to 5:00 pm, Mondays to Fridays, inclusive;
 - 9:00 am to 1:00 pm on Saturdays; and
 - at no time on Sundays or public holidays.
- 2.12 The Proponent shall ensure that air blast overpressure generated by blasting associated with the project does not exceed the criteria specified in Table 1 when measured at the most-affected residential or sensitive receiver.



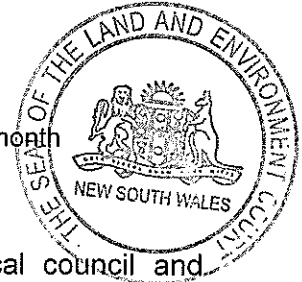
Table 1 – Airblast Overpressure Criteria

Air blast Overpressure (dB(Lin Peak))	Allowable Exceedance
115	5% of total number of blasts over a 12 month period
120	Never

2.13 The Proponent shall ensure that the ground vibration generated by blasting associated with the project does not exceed the criteria specified in Table 2 when measured at the most-affected residential or sensitive receiver.

Table 2 – Peak Particle Velocity Criteria

Peak Particle Velocity Criteria (mms ⁻¹)	Allowable Exceedance
5	5% of total number of blasts over a 12 month period
10	Never



2.14 Prior to each blasting event, the Proponent shall notify the relevant local council and potentially-affected landowners, including details of time and location of the blasting event and providing a contact point for inquiries and complaints.

Operational Noise Criteria

2.15 Subject to conditions 2.15 to 2.20 the Proponent shall design, operate and maintain the project to ensure that the equivalent noise level ($L_{Aeq(10\text{-minute})}$) from the project does not exceed at each of the residential receiver locations identified in Section 5 of the Noise Impact Assessment prepared by Marshall Day Acoustics, dated 5 June 2008 (Section 3.2 of EA Attachments), or any other relevant receiver in existence or the subject of a valid development consent at the date of this approval:

- a) 35 dB(A); or
- b) the existing background noise level ($L_{A90(10\text{-minute})}$) correlated to the integer wind speed at hub height at the wind farm site by more than 5 dB(A).

whichever is the greater, for each integer wind speed (measured at hub height) from cut-in to rated power of the wind turbine generator, when determined in accordance with the methodology provided in the *Wind Farms: Environmental Noise Guidelines* (SA EPA, 2003) ('SA Guidelines 2003').

2.16 The Proponent shall prepare a revised Noise Assessment for the final turbine model and turbine layout selected, which shall be submitted to the Director-General prior to commissioning of the wind turbines. The assessment shall demonstrate consistency with the EA and the ability of the final turbine model and layout to meet the requirements of condition 2.15. The revised Noise Assessment shall include the following:

- a) noise predictions of the final turbine model and layout selected at each of the receiver locations;
- b) method and modelling inputs employed to carry out the noise level predictions according to the SA Guidelines 2003 except that all sounds power levels and wind speeds shall be referenced to hub height;
- c) an assessment of the suitability of background noise level data to cover the range of wind speeds and directions generally expected at the site; and
- d) noise predictions shall be conducted by an acoustic engineer defined for the purposes of this condition as an engineer who is eligible for membership of both the Australian Acoustical Society and the Institution of Engineers Australia.

2.17 Where noise predictions are found to exceed the limits specified in condition 2.15 the Proponent shall develop and implement a Noise Operating Strategy that identifies specific methods of noise reductions to restore the levels back to the limits in Condition 2.15 at any receiver location for all wind directions including worst case-scenarios. The strategy shall

include noise modelling verification that demonstrates the predicted noise reductions can be achieved.

- 2.18 Noise from the project is to be measured at the most affected point within the residential boundary, or at the most affected point within 20 metres of the dwelling, where the dwelling is more than 20 metres from the boundary, to determine compliance with the noise level limits in conditions 2.15 and 2.16. Under this Condition "dwelling" means one in existence or the subject of a valid development consent at the date of this approval.
- 2.19 For the purposes of conditions 2.15 and 2.16 of this approval, 5 dB(A) shall be applied to measured noise levels where tonality is present. The presence of tonality shall be determined using the methodology detailed in *Wind Turbine Generator Systems- Part 11: Acoustic Noise Measurement Techniques* IEC 61400-11:2002 or its latest edition.
- 2.20 Notwithstanding conditions 2.15 and 2.16 of this approval, the noise limits specified under those conditions do not apply to any residence where a noise agreement is in place between the Proponent and the respective owner(s) of those residences in relation to noise impacts and/or noise limits. For this condition to take effect, the noise agreements shall satisfy the requirements of *Guidelines for Community Noise* (WHO, 1999) and Section 2.3 of the SA Guidelines 2003.

Verification of Operational Noise Performance

- 2.21 The Proponent shall prepare a Noise Compliance Plan which shall be submitted to the Director-General prior to commissioning of the wind turbines. The Noise Compliance Plan shall include, but not be limited to:
- a) an assessment of the performance of the project against the noise predictions contained in conditions 2.15 and 2.16;
 - b) a commitment to operate the Project in accordance with any Noise Operating Strategy that is implemented in accordance with condition 2.17;
 - c) a commitment that noise compliance monitoring will be undertaken within three months of the commissioning of the wind turbines. If prevailing meteorological conditions do not allow the required monitoring to be undertaken in this period, the Director-General shall be notified and an extension of time may be sought; and
 - d) a requirement that all noise compliance monitoring results are submitted to the Director-General within one month of completion of the monitoring. The Director-General may request that additional noise compliance monitoring be undertaken and completed within a specified timeframe.

The Noise Compliance Assessment shall be undertaken generally in accordance with the procedures presented in SA Guidelines 2003, except that all sound power levels and wind speeds shall be referenced to hub height

- 2.22 In the event that the Noise Compliance Plan indicates that noise from the wind turbines exceeds the noise limits specified under conditions 2.15 and 2.16, as relevant, the Proponent shall investigate and propose mitigation and management measures to achieve compliance with the noise limits. Details of the remedial measures and a timetable for implementation must be submitted to the Director-General for approval within such period as the Director-General may require. Remedial measures shall include, in the first instance, all reasonable and feasible measures to reduce noise from the project, including but not necessarily limited to reduced operation of wind turbines. Once all reasonable and feasible source controls are exhausted, remedial measures may include offering building acoustic treatments and/or noise screening to affected residences, but may only be used to address noise limit exceedances at the absolute discretion of the relevant landowner. The Proponent shall also demonstrate that the relevant landowner/resident has been made fully aware of the noise and other implications of making any agreement.

If there is no such agreement with the relevant landowner, then the turbine(s) causing the exceedance(s) of the noise limits must be turned off until the turbine(s) can be operated in accordance with this approval.

2.23 The Proponent shall provide written notice to all landowners that are entitled to rights under condition 2.22 within 21 days of determining the landholdings to which these rights apply. For the purpose of condition 2.22, this condition only applies where operational noise levels have been confirmed in accordance with the conditions 2.15 and 2.16.

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

Land Acquisition and Criteria

2.25 Should the Proponent determine to proceed with any or all of the turbines listed in Table 3, the Proponent shall notify in writing the owner of each of the Lots listed in the corresponding row of the specific turbine(s) it intends to proceed with and that it is initiating the acquisition process.



Table 3 – Turbines to be deleted or landholdings to be acquired

Turbines to be deleted	or	Property to be acquired	Relevant Lot and DP numbers
BAN 20, BAN 21, BAN 22		B33	1/568887
BAN 22, BAN 23, BAN 24		Daniel Hewitt	55/754115
BAN 14, BAN 15		G&S Price Jones	111/750042
POM_01		Johnson	53/750043 44/750043 103/750043
POM_12, POM_13, POM_14, POM_15, POM_16, POM_19, POM_20		Kings' Lot 6	<i>See note below</i>
POM_12, POM_13, POM_14, POM_15, POM_16, POM_19, POM_20		Kings' Lot 7	<i>See note below</i>
POM_12, POM_13, POM_14, POM_15, POM_16, POM_19, POM_20		Kings' Lot 8	<i>See note below</i>
POM 19, POM 20, POM 21		Kings' Lot 9	<i>See note below</i>
POM 19, POM 20, POM 21		Kings' Lot 10	<i>See note below</i>
POM 19, POM 20, POM 21		Kings' Lot 11	<i>See note below</i>
BAN 24		Montgomery (B121a)	1/783347
BAN 29		Montgomery (B122a)	54/754115
BAN 22, BAN 25, BAN 26		Picker-Wales	1/810446

Note: on 24 July 2008, Upper Lachlan Shire Council granted development consent (230/07) for the creation of a 20-lot subdivision and dwelling entitlements on the following land: Lots 1 and 2 DP57829, Lots 1 and 2 DP937271, Lot 3 DP974080, Lot 101 DP1096412, Lot 1 DP111454, Lot 104 DP750043, Lots 1 and 2 DP547768, Lot 1 DP64411, Lots 29, 37, 42, 46, 55, 65, 165 and 204 DP750019

Note: The lots listed in Table 3 include any unmade Crown roads adjoining the lots which are purchased by the current or future landowners, including but not limited to unmade Crown roads adjoining the Kings' lots 6 to 8 which the Kings are in the process of purchasing.

- 2.26 At the request in writing of the owner(s) of any of the Lots notified under condition 2.25 if such a request is made within three months of the date of service of the notification required under condition 2.25 and provided that this approval or/and (in relation to any Kings' Lots referred to in Table 3 of condition 2.25) development consent 230/07 has not lapsed or been surrendered within that time, the Proponent shall proceed to acquire the relevant landholdings referred to in the owner(s)' request under this condition.
- 2.27 Within three months of receiving a written request from a landowner with acquisition rights under condition 2.26 of this approval, the Proponent shall make a binding written offer to purchase the land specified in the request to the landowner, with such offer to remain open for a period of three months after receipt and shall not be reduced, based on:
- a) the current market value of the landowner's interest in the land at the date of the written request, as if the land was unaffected by the project, having regard to the:
 - i) existing and permissible use of the land, in accordance with applicable planning instruments at the date of the written request; and
 - ii) presence of improvements on the land and/or any approved building or structure which has been physically commenced at the date of the landowner's written request, and is due to be completed subsequent to that date;
 - b) the reasonable costs associated with obtaining legal advice and expert advice for determining the acquisition price of the land, and the terms upon which it is acquired; and
 - c) reasonable compensation for any disturbance caused by the land acquisition process.

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

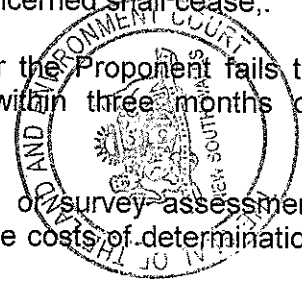
Upon receiving such a request, the Director-General shall request the President of the New South Wales Division of the Australian Property Institute to appoint a suitably qualified and experienced independent valuer, being a Fellow of the Institute, to consider submissions from both parties, and determine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

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

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

If the landowner accepts either of the offers above and thereafter the Proponent fails to acquire the land on terms consistent with the relevant offer within three months of acceptance, the relevant turbines are to be deleted.

- 2.28 The Proponent shall bear the reasonable costs of any valuation or survey assessment requested by the independent valuer or the Director-General and the costs of determination referred to under condition 2.27.
- 2.29 If the Proponent and landowner agree that only part of that landowner's property shall be acquired, then the Proponent shall pay all reasonable costs associated with obtaining Council approval for any plan of subdivision (where permissible), and registration of the plan at the Office of the Registrar-General.



- 2.30 If the Proponent has not initiated the acquisition process referred to in condition 2.25 for any Lot specified in any request under condition 2.26 by 26 June 2013 or prior to the commencement of any construction activities in the relevant sector of the project, whichever occurs earliest, the relevant nominated turbine(s) relating to that Lot identified in condition 2.25 are to be deleted from the project.
- 2.31 If the Proponent has initiated the acquisition process referred to in condition 2.25 by the earlier of the dates determined in accordance with condition 2.30 and the owners of the relevant Lot to be acquired notify the Proponent in writing that they do not consent to their Lot being acquired, or fail to provide a written request to the Proponent for all or part of their land to be acquired in accordance with condition 2.26, then the requirement either to acquire that land under condition 2.25, or to delete the nominated relevantly applicable turbine from the project under condition 2.30 lapses.
- 2.32 Conditions 2.25-2.30 of this approval are to apply to the landowners of Lots 105, 106, 112, 113, 195, 227 and 253 of DP 7540042 and Lots 247, 304, 355 and 366 of DP 7541115, if:
- turbines BAN_14 and BAN_15 are not deleted by 26 June 2013; and
 - aviation hazard lighting is required to be installed on any turbines in the project.



Flora and Fauna Impacts

- 2.33 The Proponent shall not operate wind turbines POM_03, POM_04, POM_06, and POM_07 between one hour before sunset and one after sunrise during the period 30 November to 31 March, unless the Proponent demonstrates to the satisfaction of the Director-General that operation during these periods will not adversely impact on Powerful Owl juvenile dispersion. In undertaking such a demonstration, the Proponent shall undertake the following:
- monitoring of the dispersion Powerful Owl juveniles in and around the site, to be conducted by an independent specialist approved by the Director-General;
 - preparation of a report to be submitted to the Director General presenting the outcomes of monitoring and impacts to the Powerful Owl juvenile dispersion in and around the site; and
 - conclusively demonstrating to the satisfaction of the Director-General that the dispersion of Powerful Owl juveniles in and around the site will not be adversely impacted by the project.
- 2.34 The Proponent shall ensure that during the construction of wind turbine BAN_14, including construction and/ or installation of any ancillary facilities and any site access arrangements, the following requirements are met:
- vegetation defined as all or part of an Endangered Ecological Community shall not be cleared, modified or otherwise directly impacted as a result of the works;
 - access to the construction site shall be clearly demarcated to minimise the potential for impacts on local vegetation;
 - disturbed areas shall be stabilised and rehabilitated following the conclusion of construction works; and
 - an independent qualified ecologist shall attend all site works to advise on mitigation, management and monitoring measures that shall be applied to comply with this condition of approval.
- 2.35 Prior to the commencement of construction of the project, the Proponent shall in consultation with the DECC, finalise (and following approval implement) a compensatory habitat package to offset in perpetuity the value of habitat lost as a result of the project, to the satisfaction of the Director-General. Unless otherwise agreed to by the Director-General, the package shall comprise:
- a minimum of 2:1 'like for like' offset of the vegetation communities to be removed or otherwise disturbed on site utilising a "Worst Case Scenario" impact assessment; or
 - the implementation of in kind management measures or funding for such measures as agreed to by DECC; or a combination of the measures specified in a) and b).

- 2.36 The Proponent shall make a financial contribution of \$1500.00 to the NSW Wildlife Information and Rescue Service for each death of a Powerful Owl that has reasonably been attributed to the carrying out of the project. The financial contribution must be paid by the Proponent within one month of the Proponent becoming aware of the death. The contribution must be adjusted to take account of any increase in the Consumer Price Index (All Groups Index for Sydney) over time, commencing at the September 2010 quarter.
- 2.37 The Proponent shall make a financial contribution of \$1500.00 to the NSW Wildlife Information and Rescue Service for each death of the Wedge-tailed Eagle that has reasonably been attributed to the carrying out of the project. The financial contribution must be paid by the Proponent within one month of the Proponent becoming aware of the death. The contribution must be adjusted to take account of any increase in the Consumer Price Index (All Groups Index for Sydney) over time, commencing at the September 2010 quarter.
- 2.38 In order to avoid the Endangered Ecological Community of vegetation in the southern portion of the Pomeroy site, proposed cabling Option 2 shall be utilised.
- 2.39 Gurrundah Creek shall be surveyed by a suitably qualified ecologist for the presence of Platypus. Subject to identification of the species, any construction works in the vicinity of the creek shall be conducted in accordance with the Flora and Fauna Management Plan contained in condition 7.3 such that negative impacts to the species are mitigated.
- 2.40 Prior to the commencement of construction, clearly defined work areas (including access trails) must be established using a combination of posts, fencing or markers, and suitably marked up maps as appropriate. All on-site construction movements are to be restricted to these areas, to prevent uncontrolled or inadvertent access by vehicles or construction personnel to vegetation and fauna habitat to be protected under this approval.

Aviation

- 2.41 Prior to the commencement of operation, the following information shall be provided by the Proponent to the Civil Aviation Safety Authority, Commonwealth Department of Defence and Airservices Australia to inform these agencies of the wind farms location:
- "as constructed" coordinates in latitude and longitude of each wind turbine generator;
 - final height of each wind turbine generator in Australian Height Datum; and
 - ground level at the base of each wind turbine generator in Australian Height Datum.
- 2.42 The Proponent shall notify all known users of the Crookwell, Ashwel and Kings' Airstrips of the location of the wind turbines and any changes to operational procedures.

Bushfire Risk

- 2.43 Throughout the life of the project, the Proponent shall regularly consult with the local RFS to ensure its familiarity with the project, including the construction timetable and the final location of all infrastructure on the site. The Proponent shall comply with any reasonable request of the local RFS to reduce the risk of bushfire and to enable fast access in emergencies.
- 2.44 The Proponent shall:
- ensure there is appropriate fire-fighting equipment held on site to respond to any fires that may occur at the site during construction and operation of the project; and
 - assist the RFS and emergency services as much as possible if there is a fire on-site during the project.
- 2.45 The Proponent shall prepare, in consultation with the local RFS, a **Bushfire Risk Management Plan** based on the guidelines *Planning for Bushfire Protection* (RFS, 2001 or its latest edition). The Plan shall include, but not necessarily be limited to:
- details of the bushfire hazards and risks associated with the project;
 - mitigation measures including contingency plans;
 - procedures and programs for liaison and regular drills with the local RFS; and

- d) procedures for regular fire prevention inspections by the local RFS and implementation of any recommendations

Bunding and Spill Management

- 2.46 The Proponent shall store and handle all dangerous goods (as defined by the Australian Dangerous Goods Code) and combustible liquids, strictly in accordance with:
 - a) all relevant Australian Standards;
 - b) a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and
 - c) the EPA's Environment Protection Manual Technical Bulletin *Bunding and Spill Management*

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



Safety Management System

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

Traffic and Transport Impacts

- 2.48 The Proponent shall apply for a Road Occupancy Licence from the RTA Traffic Operations Unit prior to commencing work within the classified road reserve or within 100 metres of traffic signals. The application shall be accompanied by a Traffic Control Plan to be prepared by a person who is certified to prepare Traffic Control Plans.
- 2.49 Upon determining the haulage route(s) for the construction, the Proponent shall:
 - a) commission a qualified person to undertake a Road Dilapidation Report of all roads proposed to be used for construction activities in consultation with relevant road authorities. The Report shall assess the current condition of the relevant roads.
 - b) following completion of construction a subsequent Road Dilapidation Report shall be prepared to assess any damage that may have resulted due to traffic and transport related to the construction and ongoing operation of the project.

The Proponent shall commit to restore the relevant roads to a state, described in the original Road Dilapidation report. The cost of any restorative work described in the subsequent Report or recommended by the relevant road authorities after review of the subsequent Report, shall be funded by the Proponent. Such work shall be undertaken at a time as agreed upon between the Proponent and the relevant road authorities. In the event of a dispute between the parties with respect to the extent of restorative work that may be required under this condition, any party may refer the matter to the Director-General for resolution. The Director-General's determination of any such dispute shall be final and binding on the parties.

- 2.50 Heavy vehicle access to Ross Bridge will not be permitted for approximately 12 months from the 23 September 2008 as the bridge is undergoing maintenance.
- 2.51 Prior to the commencement of any works that are part of or extending from Prices Lane, the Proponent is required to obtain the consent of the Surveyor General and a licence under the *Crown Lands Act 1989*.

- 2.52 Grabben Gullen Road, Gurrundah Road and Range Road junctions shall be designed and constructed in consultation with Upper Lachlan Shire Council.
- 2.53 Prior to the commencement of construction, the Proponent shall upgrade all site access roads for temporary use by heavy vehicles to a standard endorsed by the Council to the reasonable and feasible requirements of the Council.

Electromagnetic Interference

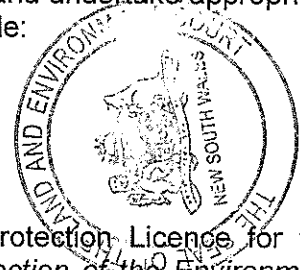
Television and Radio Interference

- 2.54 Prior to the commencement of commissioning of the project, the Proponent shall undertake an assessment of the existing quality of the television/radio transmission available at a representative sample of residential dwellings located within 5 kilometres of any wind turbine.
- 2.55 The Proponent shall undertake reasonable and feasible mitigation to rectify any television/radio transmission problems reasonably attributable to the project at any residential dwelling located within five kilometres of a wind turbine. Such measures may include:
- a) modification to or replacement of receiving antenna;
 - b) installation and maintenance of a parasitic antenna system;
 - c) provision of a land line between the affected receiver and an antenna located in an area of favourable reception; or
 - d) other feasible measures.
 - e) if interference cannot be overcome by the measures outlined in a) to d), the Proponent shall negotiate with the impacted landowner about installing and maintaining a satellite receiving antenna.

Any requested works shall be completed within three months of the completion of the relevant television and/or radio reception assessment, unless otherwise agreed by the landowner. The Proponent shall be responsible for all reasonable costs associated with undertaking any mitigation measures.

Radio Communication

- 2.56 In the event that any issue with radio communication service links (installed before construction of the project) arise as a result of the project (such as obstruction of transmission paths), the Proponent shall consult with the operator and undertake appropriate remedial measures to rectify any issue. Such measures may include:
- a) modification to or relocation of the existing antennae;
 - b) installation of a directional antennae; and/ or
 - c) installation of an amplifier to boost the signal strength.



Soil and Water Quality Impacts

- 2.57 Except as may be expressly provided by an Environment Protection Licence for the project, the Proponent shall comply with section 120 of the *Protection of the Environment Operations Act 1997* which prohibits the pollution of waters.
- 2.58 Prior to the commencement of construction the Proponent must indicate to the Director-General in consultation with the Department of Water and Energy; The details of which water sources are to be used, from which property, for which purpose and the volume and time period required to utilise the water.
- 2.59 Soil disturbing activities of any nature are not permitted in the classified Crown Road reserve between Gurrundah Creek and ten metres upslope from the northern end of the abandoned sheep dip site located on the "Hillview" property, being Lot 206 DP750043, other than any soil sampling activities being carried out by a suitably qualified person to identify whether any soil contamination is present.

Heritage Impacts

- 2.60 If during the course of construction the Proponent becomes aware of any previously unidentified Aboriginal object(s), all work likely to affect the object(s) must cease immediately and the DECC informed in accordance with the *National Parks and Wildlife Act 1974*. Works must not recommence until written authorisation from DECC is received by the Proponent.
- 2.61 If during the course of construction the Proponent becomes aware of any unexpected historical relic(s), all work likely to affect the relic(s) must cease immediately and the Heritage Office notified in accordance with the *Heritage Act 1977*. Works shall not recommence until the Proponent receives written authorisation from the Heritage Office.

Waste Generation and Management

- 2.62 The Proponent shall not cause, permit or allow any waste generated outside the site to be received at the site for storage, treatment, processing, reprocessing, or disposal of any waste generated on site to be disposed of at the site, except as expressly permitted by a licence under the *Protection of the Environment Operations Act 1997*, if such a licence is required in relation to that waste.
- 2.63 The Proponent shall ensure that all liquid and / or non-liquid waste generated and / or stored on the site is assessed and classified in accordance with *Waste Classification Guidelines Part 1: Classifying Waste* (DECC, 2008), or any future guideline that may supersede that document.

3. ENVIRONMENTAL MONITORING AND AUDITING

Bird and Bat Monitoring

- 3.1 Prior to the commencement of construction, the Proponent must prepare and submit for the approval of the Director-General a **Bird and Bat Adaptive Management Program**, which takes account of bird/ bat monitoring methods identified in the current editions of AusWEA *Best Practice Guidelines for the Implementation of Wind Energy Projects in Australia* and *Wind Farm and Birds: Interim Standards for Risk Assessment*. The Program shall be implemented by a suitably qualified expert, approved by the Director-General. The Program shall incorporate Monitoring, and a Decision Matrix that clearly sets out how the Proponent will respond to the outcomes of monitoring. It must:
- incorporate an ongoing role for the suitably qualified expert;
 - set out monitoring requirements in order to assess the impact of the project on bird and bat populations, including details on survey locations, parameters to be measured, frequency of surveys and analyses and reporting. The monitoring program must be capable of detecting any changes to the population of birds and/ or bats that can reasonably be attributed to the operation of the project, that is, data may be required to be collected prior to the commencement of construction. The requirements must also account for natural and human changes to the surrounding environment that might influence bird and/ or bat behaviour such as changes in land use practices, and significant changes in water levels in nearby water bodies;
 - incorporate a decision making framework that sets out specific actions and when they may be required to be implemented to reduce any impacts on bird and bat populations that have been identified as a result of the monitoring;
 - identify 'at risk' bird and bat groups such as the Powerful Owl, the Common Bent-wing Bat, the Large-footed Myotis and the Eastern False Pipistrelle and include monthly mortality assessments and periodic local population censuses and bird utilisation surveys;
 - identify potential mitigation measures and implementation strategies in order to reduce impacts on birds and bats such as minimising the availability of raptor perches, swift carcass removal, pest control including rabbits, use of deterrents, and sector management including switching off turbines that are predicted to or have had an unacceptable impact on bird/ bat mortality at certain times; and
 - identify matters to be addressed in periodic reports in relation to the outcomes of monitoring, the application of the decision making framework, the need for mitigation measures, progress with implementation of such measures, and their success.

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

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

Noise Monitoring – Operation

- 3.2 Noise compliance monitoring shall be conducted in accordance with the Noise Management Plan under condition 7.3a) and 7.5a), or as directed by the Director-General in response to noise complaints.

Independent Environmental Auditing

- 3.3 Within two years of the commencement of Operation of the project, and then as may be directed by the Director-General, the Proponent shall commission an independent person or team to undertake an **Environmental Audit** of the project. The independent person or team shall be approved by the Director-General prior to the commencement of the Audit. The Audit must:

- a) be carried out in accordance with ISO 19011:2002 - Guidelines for Quality and or Environmental Management Systems Auditing;
- b) assess compliance with the requirements of this approval, and other licences and approvals that apply to the project;
- c) assess the environmental performance of the project against the predictions made and conclusions drawn in the documents referred to under condition 1.1 of this approval;
- d) review the effectiveness of the environmental management of the project, including any environmental impact mitigation works; and
- e) review the adequacy of the Proponent's response to any complaints made about the project through the Complaints Register required under condition 14.3

An **Environmental Audit Report** must be submitted for comment to the Director-General within two months of the completion of the Audit, detailing the findings and recommendations of the Audit and including a detailed response from the Proponent to any of the recommendations contained in the Report.

4. ANCILLARY FACILITIES

- 4.1 The sites for Ancillary Facilities must satisfy the following criteria unless otherwise approved through the Construction Environmental Management Plan required under condition 7.2:
- a) be located within the site;
 - b) have ready access to the road network;
 - c) be located to minimise the need for heavy vehicles to travel through residential areas;
 - d) be sited on relatively level land;
 - e) be separated from nearest residences by at least 200 m (or at least 250 m for a temporary batch plant);
 - f) be located above the 20 ARI flood level unless a contingency plan to manage flooding is prepared and implemented;
 - g) not require vegetation clearing beyond that already required for the project; and
 - h) not affect the land use of adjacent properties.

The location of the Ancillary Facilities must be identified in the CEMP and must include an analysis against the above criteria. Where these criteria cannot be met, the CEMP must demonstrate there will be no adverse impacts from the Ancillary Facility's construction or operation.



The Director-General may, having considered the Report, require the Proponent to undertake works to address the findings or recommendations presented in the Report. Any such works must be completed within such time as the Director-General may require.

5. COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

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

Provision of Electronic Information

5.2 Prior to the commencement of construction of the project, the Proponent shall establish a dedicated website or maintain dedicated pages within its existing website for the provision of electronic information associated with the project subject to confidentiality. The Proponent shall publish and maintain up-to-date information on this website or dedicated pages including, but not necessarily limited to:

- a) information on the statutory context of project (including on any existing approvals obtained under the *Environmental Planning and Assessment Act 1979*) and the current implementation status of the project;
- b) a copy of this approval and any future modification to this approval;
- c) a copy of each relevant environmental approval, licence or permit required and obtained in relation to the project;
- d) a copy of each plan or report required under this approval; and
- e) details of the outcomes of compliance reviews and audits of the project.



Community Information Plan

5.3 Prior to the commencement of construction of the project, the Proponent shall prepare and implement a **Community Information Plan** which sets out the community communications and consultation processes to be undertaken during construction and operation of the project. The Plan must include but not be limited to:

- a) procedures to inform the local community of planned investigations and Construction activities, including blasting works;
- b) procedures to inform the relevant community of Construction traffic routes and any potential disruptions to traffic flows and amenity impacts;
- c) procedures to consult with local landowners with regard to Construction traffic to ensure the safety of livestock and to limit disruption to livestock movements;
- d) procedures to inform the community where work has been approved to be undertaken outside the normal Construction hours, in particular noisy activities;
- e) procedures to inform and consult with those landowners who are eligible for landscaping on their property as determined under condition 2.2 of this approval; and
- f) procedures to notify relevant landowners of the process available to review potential impacts on radio and television transmission.

Complaints Procedure

5.4 Prior to the commencement of construction of the project, the Proponent shall ensure that the following are available for community complaints for the life of the project (including construction and operation):

- a) a 24-hour telephone number on which complaints about construction and operational activities at the site may be registered;
- b) a postal address to which written complaints may be sent; and
- c) an email address to which electronic complaints may be transmitted.

The telephone number, the postal address and the e-mail address must be advertised in a newspaper circulating in the locality on at least one occasion prior to the commencement of construction and at six-monthly intervals thereafter. These details must also be provided on the Proponent's internet site. The telephone number, the postal address and the email address shall be displayed on a sign near the entrance to the site, in a position that is clearly visible to the public.

- 5.5 The Proponent shall record details of all complaints received through the means listed under condition 5.4 of this approval in an up-to-date Complaints Register. The Register shall record, but not necessarily be limited to:
- a) the date and time, where relevant, of the complaint;
 - b) the means by which the complaint was made (telephone, mail or email);
 - c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
 - d) the nature of the complaint;
 - e) any action(s) taken by the Proponent in relation to the complaint, including any follow-up contact with the complainant; and
 - f) if no action was taken by the Proponent in relation to the complaint, the reason(s) why no action was taken.

The Complaints Register shall be made available for inspection by the Director-General upon request.

Community Enhancement Program

- 5.6 Prior to the commencement of construction of the project, the Proponent shall prepare and submit for the approval of the Director-General, a **Community Enhancement Program**, (as generally described in the Environmental Assessment referred to in condition 1.1b) of this approval, in so far as it is consistent with the terms contained in this condition) with the aim of funding community enhancement measures to the benefit of the local community that consists of the following components:
1. a Clean Energy Program to support the installation of residential clean energy improvements, (as generally described in the Environmental Assessment referred to in condition 1.1b) of this approval, in so far as it is consistent with the terms contained in this condition); and
 2. a Community Fund, to provide funds to undertake initiatives which provide a direct benefit to the local community.

The Community Enhancement Program shall be developed in consultation with the Upper Lachlan Shire Council, the Goulburn Mulwaree Council and the local community and provide details of:

- (a) the process by which the program's funds would be administered, including mechanisms for accounting and reporting;
- (b) how measures and initiatives to be funded by the program would be identified, assessed, prioritised and implemented over the life of the project; and
- (c) any other terms agreed to by the parties.

The Proponent shall each year contribute the sum of \$1666 per constructed turbine to the Community Enhancement Program, commencing upon commissioning of the project until the end of its life. The contribution shall be adjusted to take account of any increase in the Consumer Price Index (All Groups Index for Sydney) over time, commencing at the September 2010 quarter.

The Community Enhancement Program shall not require any financial contribution from any recipient of the scheme nor shall the program be conditional on the extent of government subsidies or rebates available for measures to be funded by the program.

6. COMPLIANCE TRACKING PROGRAM

- 6.1 Prior to the commencement of construction, the Proponent shall develop and implement a **Compliance Tracking Program** for the project, to track compliance with the requirements of this approval during the construction and operation of the project and shall include, but not necessarily limited to:
- a) provisions for an Annual Environmental Management Report (AEMR) that is to be prepared and submitted to the Director-General throughout the operational life of the project. The AEMR must review the performance of the project against the Operational

Environmental management Plan, the conditions of this approval and other licences and approvals relating to the project.

- b) provisions for periodic reporting of the compliance status to the Director-General including at least prior to the commencement of construction of the project and prior to the commencement of operation of the project;
- c) a program for independent environmental auditing in accordance with *AS/NZ ISO 19011:2003 - Guidelines for Quality and/or Environmental Management Systems Auditing*;
- d) procedures for rectifying any non-compliance identified during environmental auditing or review of compliance;
- e) mechanisms for recording environmental incidents and actions taken in response to those incidents;
- f) provisions for reporting environmental incidents to the Director-General during construction and operation; and
- g) provisions for ensuring all employees, contractors and sub-contractors are aware of, and comply with, the conditions of this approval relevant to their respective activities.

7. ENVIRONMENTAL MANAGEMENT

Environmental Representative

7.1 Prior to the commencement of any construction or operational activities, or as otherwise agreed by the Director-General, the Proponent shall nominate for the approval of the Director-General a suitably qualified and experienced Environmental Representative(s) independent of the design, construction and operation personnel. The Proponent shall engage the Environmental Representative(s) during any construction activities, and throughout the life of the project, or as otherwise agreed by the Director-General. The Environmental Representative(s) shall be the Proponent's principal point of advice in relation to the environmental performance of the project and shall have responsibility for:

- a) overseeing the implementation of all environmental management plans and monitoring programs required under this approval, and advise the Proponent upon the achievement of these plans/programs;
- b) considering and advising the Proponent on its compliance obligations against all matters specified in the conditions of this approval and the Statement of Commitments as referred to under condition of this approval, permits and licences; and
- c) having the authority and independence to recommend to the Proponent reasonable steps to be taken to avoid or minimise unintended or adverse environmental impacts, and, failing the effectiveness of such steps, to recommend to the Proponent that relevant activities are to be ceased as soon as reasonably practicable if there is a significant risk that an adverse impact on the environment will be likely to occur.

Construction Environmental Management Plan (CEMP)

7.2 The Proponent shall prepare and implement a **Construction Environmental Management Plan** in accordance with the *Guideline for the Preparation of Environmental Management Plans* (DUAP 2004) or its latest revision. The plan must include but not be necessarily be limited to:

- a) a description of all activities to be undertaken on the site during construction including an indication of stages of construction, where relevant;
- b) statutory and other obligations that the Proponent is required to fulfil during construction including all approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
- c) details of how the environmental performance of the construction works will be monitored, and what actions will be taken to address identified adverse environmental impacts. In particular, the following environmental performance issues shall be addressed in the Plan;
- d) details of how the environmental performance of the construction works will be monitored, and what actions will be taken to address identified adverse environmental impacts. In particular, the following environmental performance issues shall be addressed in the Plan:

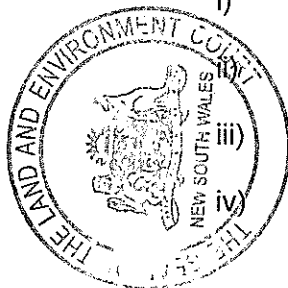


- i) measures to monitor and minimise soil erosion and the discharge of sediment and other pollutants to lands and/ or waters during construction activities, particularly during any construction works at or near drainage lines; and
- ii) measures to monitor and manage dust emissions.
- e) a description of the roles and responsibilities for all relevant employees involved in the construction of the project; and
- f) complaints handling procedures during construction.
- g) the Management Plans listed under condition 7.3 of this approval.

The Plan shall be submitted for the approval of the Director-General no later than one month prior to the commencement of any construction works associated with the project, or within such period otherwise agreed by the Director-General. Construction works shall not commence until written approval has been received from the Director-General. Upon receipt of the Director-General's approval, the Proponent must make the Plan Publicly available as soon as practicable.

7.3 As part of the Construction Environmental Management Plan required under condition 7.2 of this approval, the Proponent must prepare and implement, but is not limited to, the following Management Plans:

- a) a **Noise Management Plan** to detail measures to minimise noise emissions associated with the construction of the project. The Plan must include, but not necessarily be limited to:
 - i) identification of all major sources of noise that may be emitted as a result of the Construction of the project;
 - ii) specification of the noise criteria as it applies to a particular activity;
 - iii) identification and implementation of best practice management techniques for minimisation of noise and vibration emissions;
 - iv) procedures for the monitoring of noise emissions; and
 - v) description of the procedures to be undertaken if any non-compliance is detected.
- b) a **Traffic Management Plan** to outline measures for the management and coordination of road works required under this approval and to minimise potential conflicts between different user groups. The Plan must be prepared in consultation with the RTA and Council and must include, but not necessarily be limited to:
 - i) details of measures to minimise interactions between the project and other users of the roads such as the use of fencing, lights, barriers, traffic diversions etc;
 - ii) procedures for informing the public where any road access will be restricted as a result of the project;
 - iii) procedures to inform vehicle drivers and Crookwell Road business owners of the traffic routes to be used by heavy vehicles associated with the project;
 - iv) procedures to manage construction traffic to ensure the safety of livestock and to minimise disruption to livestock, and school children and limit disruption to school bus timetables;
 - v) speed limits to be observed along routes to and from the site and within the site;
 - vi) minimum requirements for vehicle maintenance to address noise and exhaust emissions, particularly along roads in close proximity to residences;
 - vii) precautionary measures such as signage to warn users of the Bicentennial National Trail about the construction activities for the project;
 - viii) details of the expected behavioural requirements for vehicle drivers travelling to and from the site and within the site; and
 - ix) prohibition of heavy vehicle access to Ross Bridge.
- c) a **Flora and Fauna Management Plan** to outline measures to protect and minimise loss of native vegetation and native fauna habitat as a result of construction of the project. The Plan must include, but not necessarily be limited to:
 - i) plans showing terrestrial vegetation communities; important flora and fauna habitat areas;
 - ii) locations where threatened species, populations or ecological communities have been recorded or are likely to occur; and areas to be cleared. The plans must



- also identify vegetation adjoining the site where this contains important habitat areas and/or threatened species, populations or ecological communities;
- iii) methods to manage impacts on flora and fauna species (terrestrial and aquatic) and their habitat which may be directly or indirectly affected by the project, such as location of fencing, procedures for clearing of vegetation or soil and procedures for re-locating hollows or installing nesting boxes.
- iv) rehabilitation details, such as use of locally native species in rehabilitation and landscaping works and methods to re-use topsoil and cleared vegetation;
- v) the impact avoidance and mitigation measures outlined in section 4 of the EA;
- vi) a Weed Management Strategy; and
- vii) a program for reporting on the effectiveness of terrestrial flora and fauna management measures. Management methods must be reviewed where found to be ineffective.

Operation Environmental Management Plan (OEMP)

7.4 The Proponent shall prepare and implement an **Operation Environmental Management Plan** in accordance with the Department's publication entitled *Guideline for the Preparation of Environmental Management Plans* (2004) or its latest revision. The Plan shall include but not necessarily be limited to:

- a) identification of all statutory and other obligations that the Proponent is required to fulfil in relation to the operation of the development, including all consents, licences, approvals and consultations;
- b) a management organisational chart identifying the roles and responsibilities for all relevant employees involved in the operation of the project;
- c) overall environmental policies and principles to be applied to the operation of the project;
- d) standards and performance measures to be applied to the project, and means by which environmental performance can be periodically reviewed and improved, where appropriate;
- e) management policies to ensure that environmental performance goals are met and to comply with the conditions of this approval;
- f) the Management Plans listed under condition 7.5 of this approval; and
- g) the environmental monitoring requirements outlined under this approval.

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

7.5 As part of the Operation Environmental Management Plan required under condition 7.4, the Proponent shall prepare and implement, but is not limited to the following Management Plans:

- a) a **Noise Management Plan** to outline measures to minimise noise emissions from the operation of the project. The Plan must include, but not necessarily be limited to:
 - i) details of procedures to ensure ongoing compliance with the operational noise limits specified in condition 2.14 as they apply to identified receptors. This should include identification of monitoring requirements;
 - ii) identification and implementation of best practice management techniques for minimisation of noise emissions where reasonable and feasible;
 - iii) measures to be undertaken to rectify annoying characteristics resulting from the operation of the project such as, but not limited to, infrasound or adverse mechanical noise from component failure; and
 - iv) procedures and corrective actions to be undertaken if non-compliance is detected.
- b) a **Landscape Management Plan** to outline measures to ensure appropriate development and maintenance of landscaping on the site to address the visual impacts arising from the project including, turbines, site access roads, substation and control and facilities building, as far as is reasonable and feasible. The Plan must be prepared



by a qualified landscape architect and meet the requirements of Council, should there be any. The Plan must include, but not necessarily be limited to:

- i) measures associated with the biodiversity offset package required under condition 2.26 and any remnant vegetation onsite;
- ii) details of landscaping to be undertaken at the site including locations for planting;
- iii) maximisation of use of flora species that are native to the locality and with low maintenance requirements;
- iv) a program for the removal of weeds introduced or spread as a result of the development at the site; and
- v) a program for maintenance of all landscaped areas on the site to ensure these areas are kept in a tidy, healthy state.

7.6 Within three years of the commencement of operation of the project, and at least every three years thereafter, the Proponent shall undertake a formal review of the Operation Environmental Management Plan. The review shall ensure that the Plan is up-to-date and all changes to procedures and practices since the previous review have been fully incorporated into the Plan. The Proponent must notify the Director-General of the completion of each review, and must supply a copy of the updated Plan on request.

8. ENVIRONMENTAL REPORTING

Incident Reporting

- 8.1 The Proponent shall notify the Director-General and any relevant Government authority of any incident with actual or potential significant off-site impacts on people or the biophysical environment as soon as practicable after the occurrence of the incident ("initial notification"). The Proponent must provide written details ("written report") of the incident to the Director-General and any relevant Government authority within seven days of the date on which the incident occurred.
- 8.2 The Proponent shall meet the requirements of the Director-General to address the cause or impact of any incident, as it relates to this approval, reported in accordance with condition 8.1 of this approval, within such period as the Director-General may require.



Tim Moore
Senior Commissioner



Judy Fakes
Commissioner of the Court

