

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 Tony Kelly MLC
Minister for Planning

Sydney

2010

File No: 09/02014

The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.

The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.

SCHEDULE 1

Application No:	09_0103
Proponent:	Boco Rock Wind Farm Pty Ltd
Approval Authority:	Minister for Planning
Land:	The land shown in Appendix 1
Project:	Boco Rock Wind Farm
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 Group 8 clause 24(a) of Schedule 1 of <i>State Environmental Planning Policy (Major Development) 2005</i> .
Critical Infrastructure:	The project was classified as critical infrastructure in accordance with section 75C of the <i>Environmental Planning and Assessment Act 1979</i> , by virtue of the then Minister's declaration of 11 November 2009 relating to renewable energy projects including the Boco Rock Wind Farm Project (MP09_0103), being development for the purposes of wind farms, which are the subject of a project application lodged pursuant to section 75E or 75M of the <i>Environmental Planning and Assessment Act 1979</i>

CONSOLIDATED CONSENT

Transition to SSD

The project was declared to be State significant development under clause 6 of Schedule 2 to the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017*, for the purposes of the *Environmental Planning and Assessment Act 1979* (the Act) under delegation from the Minister for Planning on 23 November 2018.

Red type represents Modification 1 (09_0103-Mod-1)

SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
09_0103	23/12/2022	Executive Director	Stage 2 Turbine Changes

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DEFINITIONS

Ancillary Infrastructure	The following infrastructure necessary for the operation of the project: <ul style="list-style-type: none"> • collector substations; • switching stations; • permanent offices; • electricity transmission lines; • site compounds; • underground and overhead electricity transmission lines; • communication cables (including control cables and earthing) • wind monitoring masts; and • internal roads.
BCS	Biodiversity, Conservation & Science Directorate
Cessation of operation	Operation of the project has ceased for a continuous period of 12 months
Conditions of Approval	The Minister's conditions of approval for the project.
Construction	All pre-operation activities associated with the project other than survey, acquisitions, fencing, investigative drilling or excavation, building/road dilapidation surveys, 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, enabling works; and construction of minor access roads and minor adjustments to services/utilities.
Council	Snowy Monaro Regional Council
DCCEEW	Commonwealth Department of Climate Change, Energy, Environment and Water
Department, the	Department of Planning and Environment
DPE Crown Lands	The Department's Crown Lands Group
DPE Water	The Department's Water Group
DPI Fisheries	Department of Primary Industries Fisheries Division
Dust	Any solid material that may become suspended in air or deposited
Environmental Assessment	The environmental assessment for <i>Boco Rock Wind Farm</i> dated November 2009 as amended by: <ul style="list-style-type: none"> • <i>Boco Rock Wind Farm Preferred Project</i> Report and Response to Submissions dated May 2010; • <i>Boco Rock Wind Farm Stage Two</i> Application for Modification Environmental Assessment dated November 2018; • <i>Boco Rock Wind Farm Stage Two</i> Application for Modification Response to Submissions dated February 2020; • <i>Boco Rock Wind Farm Stage Two</i> Application for Modification Amendment Report dated February 2020; and • Amendment Letters dated 7 August 2020 and 2 December 2021.
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Feasible	Means what is possible and practical in the circumstances
FRNSW	Fire and Rescue NSW
Heritage Council	The Heritage Council of NSW
Heritage NSW	Heritage NSW division within Department of Premier and Cabinet
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance Note: "material harm" is defined in this approval
Material harm	Is harm that: <ul style="list-style-type: none"> • involves actual or potential harm to the health or safety of human beings or ecosystems that is not trivial; or • results in actual or potential loss or property damage of an amount, or amounts aggregate, exceeding \$10,000 (such loss includes the reasonable cost and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
MEG	Department of Regional NSW – Mining, Exploration and Geosciences

CONSOLIDATED CONSENT

Micro-Siting	Means a location allowance of 100 metres radius for project components as long as impacts remain consistent with that assessed
Minister, the	Minister for Planning, or delegate
Non-associated receptor	Landowner that has not reached a financial or in kind agreement with the Proponent in relation to the project. Note: for purposes of Stage One
Non-associated residence	Means: <ul style="list-style-type: none"> • a residence on privately-owned land in respect of which the owner has not reached an agreement with the Proponent in relation to the project (as provided by this approval); or • a residence on privately-owned land in respect of which the owner has reached an agreement with the Proponent in relation to the project (as provided by this approval), but the agreement does not cover the relevant impact; or • a residence on privately-owned land in respect of which the owner has reached an agreement with the Proponent in relation to the project (as provided by this approval), but the performance measure for such impact under that agreement has been exceeded Note: for purposes of Stage Two
Non-compliance	An occurrence, set of circumstances or development that is a breach of this approval but is not an incident
Operation	Any activity which results in the production of electricity for contribution to the electricity grid, but does not include commissioning.
Preferred Project Report	Boco Rock Wind Farm Preferred Project Report and Response to Submissions prepared by Wind Prospect CWP Pty Ltd and dated May 2010
Planning Secretary	Secretary of the Department, or nominee
Planning Secretary's approval, agreement or satisfaction	A written approval from the Planning Secretary, or nominee.
Project	The project as described in the Environmental Assessment
Proponent	Boco Rock Wind Farm Pty Ltd, Boco Rock Stage Two Pty Ltd, or any person who seeks to carry out the project approved under this approval
Reasonable	The application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
Registered Aboriginal Stakeholders	Aboriginal stakeholders identified as registered stakeholders in the Environmental Assessment
Receptor	Existing or approved dwelling at the date of grant of approval for this approval
Residence	Existing or approved dwelling at the date of grant of approval for Modification 1
RFS	NSW Rural Fire Service
Site	Means the land referred to in Appendix 1
Stage One	67 turbines within the Springfield Cluster and Sherwin Cluster and associated infrastructure, as outlined in the Environmental Assessment.
Stage Two	20 wind turbines within the Yandra Cluster and associated infrastructure, as outlined in the Environmental Assessment.
TfNSW	Transport for New South Wales

SCHEDULE 2

1. ADMINISTRATIVE CONDITIONS

Terms of Approval

- 1.1 The project may only be carried out:
 - a) in compliance with the conditions of this approval;
 - b) in accordance with all written directions of the Planning Secretary;
 - c) generally in accordance with the Environmental Assessment; and
 - d) generally in accordance with the Project Layout in Appendix 1.
- 1.2 If there is an inconsistency between the documents in condition 1.1, the most recent document must prevail to the extent of the inconsistency. However, the conditions of this approval must prevail to the extent of any inconsistency.
- 1.3 The Proponent must comply with any reasonable requirement(s) of the Planning Secretary arising from the Department's assessment of:
 - a) any strategies, plans or correspondence that are submitted in accordance with this approval;
 - b) any reports, reviews or audits commissioned by the Department regarding compliance with this approval; and
 - c) the implementation of any actions or measures contained in these documents.

Limits of Approval

- 1.4 This approval shall not operate until the Proponent has demonstrated to the satisfaction of the **Planning Secretary** that an approval has been obtained for the construction and operation of a new 132 kilovolt overhead transmission line connection from the project to the existing high voltage electricity grid to the east of Nimmitabel, following due consideration of the cumulative impacts from the project and the new transmission connection. For the purpose of this condition, an approval means approval obtained from a relevant determining authority under Part 5 of the **EP&A Act**.
- 1.5 This approval shall lapse five years after the date on which it is granted unless works the subject to this approval have physically commenced on site. However, works cannot physically commence on site until the approval has been enacted in accordance with the requirements of condition 1.4. For the purposes of this condition works means all construction, operation and decommissioning activities associated with the project including those activities which are excluded from the definition of construction in Schedule 2.
- 1.6 Deleted

Decommissioning

- 1.7 Within 18 months of the cessation of operation of the project, the site shall be decommissioned and returned, as far as practicable, to its condition prior to the commencement of construction in consultation with the relevant landowner(s) and to the satisfaction of the **Planning Secretary**. All generating facilities and associated infrastructure (including but not necessarily limited to the collector substation and transformers, overhead and underground transmission lines and control cabling and access roads) shall be removed from the site unless otherwise agreed by the **Planning Secretary**. Project related infrastructure (including access roads) may only be retained on site, where the Proponent has demonstrated to the satisfaction of the **Planning Secretary** prior to the commencement of **decommissioning** that these components: are permissible under the landuse provisions existing at the time of decommissioning; would not pose an ongoing impediment to

permissible landuse at the properties; and their retention has been agreed to by the relevant landowners.

- 1.8 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 **Planning Secretary**. 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 **Planning Secretary** upon request. The relevant wind turbine and any associated infrastructure is to be dismantled and removed from the site by the Proponent within 18 months from the date that the wind turbine was last used to generate electricity.

Lease agreements

- 1.9 Prior to the commencement of construction **of each stage of the project**, the Proponent shall provide written evidence to the satisfaction of the **Planning Secretary** that the lease agreements with the site landowners **for that stage** have adequate provisions to require that decommissioning occurs in accordance with this approval.

Subdivision

- 1.10 The Proponent may subdivide portions of land comprising the site for the purposes of carrying out development in order to enable registration of long-term leases of part(s) of the land as shown by the lease areas contained in Appendix 2, in accordance with the Environmental Assessment and the requirements of the EP&A Act, EP&A Regulation, Conveyancing Act 1919 (NSW), and the NSW Land Registry Services (or its successor).

2. SPECIFIC ENVIRONMENTAL CONDITIONS

Flora and Fauna Impacts

Biodiversity Offset

- 2.1 Unless otherwise agreed to by the **Planning Secretary**, prior to the commencement of construction of the project, the Proponent shall, in consultation with the **BCS** and **DCCEEW**, secure a biodiversity offset package comprising a minimum of 750 hectares of Natural Temperate Grasslands, which provides suitable habitat for the Grassland Earless Dragon, Striped Legless Lizard and Little Whip Snake in perpetuity through BioBanking mechanisms to the satisfaction of the **Planning Secretary**. Unless otherwise agreed to by the **Planning Secretary** in consultation with **BCS** and **DCCEEW**, the biodiversity offset package shall include at least 150 hectares of confirmed habitat for the Grassland Earless Dragon and the Striped Legless Lizard and at least 300 hectares of confirmed habitat for the Little Whip Snake.

Detailed Design & Micro-Siting

- 2.2 The Proponent shall ensure that all reasonable and feasible effort is made to locate wind turbines at least **the following distances** from adjacent hollow-bearing trees which have the potential to provide **den trees for Squirrel Gliders** or roost or nesting habitat for bird and bat species identified to be at risk of rotor collision during turbine operation:

- a) **30 metres for Stage One; and**
- b) **50 metres for Stage Two.**

- 2.3 The Proponent shall ensure that all reasonable and feasible effort is made to avoid native vegetation disturbance (including clearing of hollow bearing trees) during micro-siting and construction of the project so as to reduce the extent of vegetation disturbance required for the project as far as possible from the maximum of 174.3 hectares identified in the Preferred Project Report.

- 2.3A The Proponent must ensure that no more than 62.51 hectares (ha) of native vegetation is cleared for Stage Two (including access tracks and cabling routes), including:**

- **18.4 ha of Ribbon Gum-Snow Gum Open Forest (moderate to good condition);**
- **6.38 ha of Ribbon Gum-Snow Gum Open Forest (low condition);**
- **32.08 ha of Derived Grassland (moderate to good condition); and**
- **5.65 ha of Derived Grassland (low condition).**

No clearing of Snow Gum – Candlebark Woodland (moderate to good condition), Snow Gum – Candlebark Woodland (low condition), Disturbed Grassland (moderate to good condition), Disturbed Grassland (low condition) and Natural Temperate Grassland is permitted for Stage Two.

Construction Timing

- 2.4 Consistent with Statement of Commitments 17 and 29, the Proponent shall ensure that construction works which have the potential to impact on habitat for the Grassland Earless Dragon and Striped Legless Lizard is not undertaken at the Springfield and Sherwins turbine clusters during the breeding season (November to January) for these species.

Waterways and Aquatic Habitat

- 2.5 The Proponent shall ensure that any water extracted from the on-site farm dam for the purposes of construction activities is undertaken in a manner that maintains water volumes at levels suitable for the Blue Billed Duck for the duration of the construction of the project.

- 2.6 The Proponent shall ensure that the waterway crossing of the McLaughlin River is designed and constructed in consultation with **DPE Water** and **DPI Fisheries** and consistent with **DPI Fisheries** guidelines *Policy and Guidelines for Fish Friendly Waterway Crossings* (2004) and *Why Do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings* (2004).

Rehabilitation and Revegetation

- 2.7 The Proponent shall ensure that any disturbance to watercourses and/or associated riparian vegetation is rehabilitated to a standard equal to or better than the existing condition in consultation with the **DPE Water** and **DPI Fisheries** within six months of the cessation of construction activities at the relevant area. Any revegetation measures undertaken shall be monitored and maintained consistent with the requirements of condition 2.8.
- 2.8 The Proponent shall implement a revegetation and rehabilitation program for all areas of the development footprint which are disturbed during the construction of the project **but** are not required for the ongoing operation of the project including temporary construction facility sites and sections of construction access roads. The Proponent shall ensure that all revegetation measures are implemented progressively where possible and in all cases within six months of the cessation of construction activities at the relevant area. Unless otherwise agreed to by the **Planning Secretary**:
- a) **restore native vegetation generally as identified in the EIS for all areas of rehabilitation for Stage Two; and**
 - b) **the Proponent shall monitor and maintain the health of all revegetated areas until such time that the plantings have been verified by an independent and suitably qualified expert (whose appointment has been agreed to by the **Planning Secretary**) as being well established, in good health and self sustaining.**

Noise Impacts

Construction Hours

- 2.9 **Road upgrades, construction, demolition, upgrading or decommissioning activities (excluding blasting) may only be undertaken between:**
- a) **7 am to 6 pm, Monday to Friday;**
 - b) **8 am to 1 pm on Saturdays; and**
 - c) **at no time on Sundays or NSW public holidays, unless the Planning Secretary agrees otherwise.**
- 2.9A **The following activities may be undertaken outside the hours specified in condition 2.9 above:**
- a) **activities that are inaudible at non-associated receptors / residences;**
 - b) **the delivery of materials as requested by the NSW Police Force or other public authorities for safety reasons; or**
 - c) **emergency work to avoid the loss of life, property or to prevent material harm to the environment.**

- 2.10 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.
- 2.11 The hours of construction activities specified under conditions 2.9 and 2.10 of this approval may be varied with the prior written approval of the **Planning Secretary**. Any request to alter the hours of construction specified under conditions 2.9 and 2.10 shall be:
- considered on a case-by-case basis;
 - 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 **any non-associated receptor / residence** in the vicinity of the site; and
 - a commitment that** affected **non-associated receptor / residences will be** informed of the timing, duration and location of the works approved under this condition as well as a contact point for inquiries and complaints at least 48 hours before that work commences.

Construction Noise

- 2.12 The Proponent shall implement all reasonable and feasible measures to minimise noise generation from the construction of the project consistent with the requirements of the *Interim Construction Noise Guideline* (DECC, July 2009) including noise generated by heavy vehicle haulage and other construction traffic associated with the project.

Construction Blasting

- 2.13 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 **non-associated receptor / residence**.

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

- 2.14 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 **non-associated receptor / residence**.

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

- 2.15 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.

Vibration Impacts

- 2.16 The Proponent shall ensure that the vibration resulting from construction and operation of the project does not exceed the preferred values vibration (for low probability of adverse comment) presented in *Assessing Vibration: A Technical Guideline* (DECC, February 2006), at any **non-associated receptor / residence**.

Operational Noise Criteria – Wind Turbines - Stage One

- 2.17 The Proponent shall design, operate and maintain the project to ensure that the equivalent noise level ($L_{Aeq}(10\text{-minute})$) from the wind turbine component of **Stage One** does not exceed the following limits at any existing **non-associated** receptor:
- a) 35 dB(A); or
 - b) the existing background noise level ($L_{A90}(10\text{-minute})$) correlated to the integer wind speed at the turbine 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.

For the purpose of assessment of noise contributions specified under conditions 2.17:

- a) 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; and
 - b) noise from the project shall 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.
- 2.18 Notwithstanding conditions 2.17 of this approval, the noise limits specified under conditions 2.17 does not apply to any receptor where a noise agreement is in place between the Proponent and the respective landowner(s) in relation to noise impacts and/or noise limits. Where a noise agreement has been entered into, the noise agreements shall satisfy the requirements of *Guidelines for Community Noise* (WHO, 1999) and Section 2.3 of *Wind Farms: Environmental Noise Guidelines* (South Australian Environmental Protection Agency, 2003).

Operational Noise Criteria – Wind Turbines – Stage Two

- 2.18A The Proponent must ensure that the noise generated by the operation of Stage Two wind turbines does not exceed the higher of 35 dB(A) or the existing background noise level ($L_{A90}(10\text{-minute})$) plus 5 dB(A) for each integer wind speed, measured at hub height, from cut-in to rated wind turbine generator power, at any **non-associated residence**.

Noise generated by the operation of the Stage Two 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). The noise generated by the operation of the wind turbines must also be adjusted for tonality and low frequency noise in accordance with the Department's *Wind Energy: Noise Assessment Bulletin* (2016) (or its latest version).

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

2.19 Deleted

Operational Noise Criteria – Other Facilities – Stage One

2.20 The Proponent shall design, construct, operate and maintain the collector substation to ensure that the noise contributions from these components to the background acoustic environment do not exceed the maximum allowable noise contributions specified in Table 3, at the nearest existing **non-associated** receptor to the substation. The maximum allowable noise contributions apply under wind speeds up to 3 ms⁻¹ (measured at 10 metres above ground level), or under temperature inversion conditions of up to 3 °C/ 100 metres and wind speeds of up to 2m/s at 10 metres above the ground.

Table 3 - Substation Noise Criteria

Day 7:00am to 6:00pm Mondays to Saturdays 8:00am to 6:00pm Sundays and public holidays	Evening 6:00pm to 10:00pm on any day	Night 10:00pm to 7:00am Mondays to Saturdays 10:00pm to 8:00am Sundays and public holidays	
L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{A1} (1 minute)
35	35	35	45

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

- measured at the most affected point within the residential boundary or at the most affected point within 30 metres of the dwelling where the dwelling is more than 30 metres from the boundary to determine compliance with the L_{Aeq}(15 minute) noise limits;
- measured at 1 metre from the dwelling façade to determine compliance with the L_{A1}(1 minute) noise limits; *and*
- subject to the modification factors provided in Section 4 of the *New South Wales Industrial Noise Policy (EPA, 2000)*, where applicable.

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

Unless otherwise agreed to by the **Planning Secretary**, the modification factors presented in Section 4 of the *New South Wales Industrial Noise Policy (EPA, 2000)*, in relation to low frequency noise, only apply if the difference between the A weighted and the C weighted noise is greater than or equal to 15 dB and the measured sound pressure level is greater than L_{eq} 65 dB(c).

2.21 The requirements of condition 2.20 do not apply if a negotiated agreement consistent with the requirements of Section 8.3 of the *New South Wales Industrial Noise Policy (EPA, 2000)*, exists between the Proponent and the relevant **non-associated** receptor.

Operational Noise Criteria – Ancillary Infrastructure – Stage Two

- 2.21A The noise generated by the operation of ancillary infrastructure for Stage Two must 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 (2017)* (or its equivalent).

Operational Noise Design Standards – Overhead Transmission Line

- 2.22 The Proponent shall ensure that any overhead transmission line associated with the project is designed, constructed and operated to minimise the generation of corona and aeolian noise as far as reasonable and feasible at nearest existing **non-associated receptors / residences**.

Visual Amenity

Turbines

- 2.23 For a period of 5 years from the commencement of construction of Stage Two, the owner of receiver SPR002 (if a dwelling is built, identified in Appendix 1) and any non-associated residence within 5 km of any Stage Two wind turbine identified in the Final Layout Plan may ask the Proponent to implement visual impact mitigation measures on their land to minimise the visual impacts of Stage Two on their residence (including its curtilage).

Upon receiving such a written request from the owner of these residences, the Proponent 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 Stage Two wind turbines from the residence and its curtilage, and commensurate with the level of visual impact on the residence.

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

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

Notes:

- To avoid any doubt, mitigation measures are not required to be implemented to reduce the visibility of Stage Two wind turbines from any other locations on the property other than the residence and its curtilage.
- The identification of appropriate visual impact mitigation measures will be more effective following the construction of the Stage Two wind turbines. While owners may ask for the implementation of visual impact mitigation measures shortly after the commencement of construction of Stage Two, it is recommended owners consider whether there is benefit in delaying such a request until the relevant wind turbines are visible from their residence or its curtilage.

- 2.24 Wind turbine generators shall be painted matt off-white/grey. The blades shall be finished with a surface treatment that minimises any potential for glare or reflection. No advertising, signs or logos shall be mounted on the turbines, except where required for safety purposes. 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 non-associated **receptor / residence**.
- 2.25 The Proponent shall ensure that shadow flicker arising from the operation of the project shall not exceed 30 hours/annum at any non-associated receptor **/ residence**.

Substation

- 2.26 The Proponent shall ensure that the substation and associated facility site is designed and constructed to minimise visual intrusion to nearest **non-associated receptor / residence** as far as reasonable and feasible including appropriate external finishes to minimise glare or reflection, landscape planting to screen views and external lighting requirements in accordance with condition 2.27.

Night Lighting

- 2.27 With the exception of aviation hazard lighting implemented in accordance with the requirements of this condition, no external lighting other than low intensity security night lighting is permitted on site unless otherwise agreed or directed by the **Planning Secretary**. Prior to the commencement of construction **of each stage of the project**, the Proponent shall consult with the Civil Aviation Safety Authority on the need for aviation hazard lighting in relation to the wind turbines **for the relevant stage of the project** and implement such lighting only where it is specifically required by the Civil Aviation Safety Authority. In this case, aviation hazard light shall be implemented in a manner that minimises visual intrusion to surrounding non-associated receptors / **residences** as far as reasonable and feasible.

Traffic and Transport Impacts

- 2.28 Prior to the commencement of construction **of each stage** of the project, the Proponent shall commission a suitably qualified expert to assess the condition of all public roads proposed to be traversed by construction traffic associated with **the relevant stage of** the project (including over-mass or over-dimensional vehicles) in consultation with Council and **TfNSW**, and identify any upgrade requirements to accommodate project traffic for the duration of construction **of that stage** (including culvert, bridge and drainage design; intersection treatments; vehicle turning requirements; and site access) considering final traffic volumes. The road dilapidation report shall be submitted to the **Planning Secretary** prior to the commencement of construction **of each stage of the project** clearly identifying recommendations made by the Council and **TfNSW** and how these have been addressed.

Unless otherwise agreed by the Planning Secretary, the Proponent shall ensure that all upgrade measures identified in the report are implemented to the satisfaction of Council and **TfNSW**, prior to the commencement of construction **of each stage of the project**.

- 2.29 Prior to the commencement of operation of **each stage of** the project, the Proponent shall commission a suitably qualified expert to assess the condition of all public roads traversed by construction traffic associated with the project (including over-mass or over-dimensional vehicles) in consultation with Council and **TfNSW**. Should the pre-operational dilapidation survey report identify any damage to roads attributable to construction traffic associated with the project, the Proponent shall repair the roads consistent with the recommendations of the pre-operational dilapidation survey report, within such time as agreed to with the Council and **TfNSW**. The pre-operation road dilapidation report shall be submitted to the **Planning Secretary** prior to the commencement of operation **of each stage of the project**, clearly identifying recommendations made by the Council and **TfNSW** and how these have been addressed.

Crown Land

- 2.30 Prior to the commencement of construction of **each stage of** the project, the Proponent shall reach agreement with Council to assume full maintenance responsibility for any Crown road reserves associated with **the relevant stage of** the project which are identified as requiring dedication to Council during the life of the **relevant stage of the project**. The Proponent shall

retain full maintenance responsibility for any such road(s) for the duration of their dedication to Council during the life of the **relevant stage of the project**.

- 2.31 Prior to the commencement of construction of **each stage of the project**, the Proponent shall consult with and comply with the requirements of **DPE Crown Lands** in relation to any Crown land affected by the project to enable the lawful use of that land by the project.

Hazards and Risk

Bushfire Risk

2.32 **The Proponent must:**

- a) minimise the fire risks of the project, including managing vegetation fuel loads on-site;
- b) ensure that the project:
 - complies with the relevant asset protection requirements in the RFS's *Planning for Bushfire Protection 2019* (or equivalent) and Standards for Asset Protection Zones;
 - is suitably equipped to respond to any fires on site including provision of a 20,000 litre water supply tank fitted with a 65 mm Storz fitting and a FRNSW compatible suction connection located adjacent to an internal access road;
- c) develop procedures to manage potential fires on site, in consultation with the RFS;
- d) assist the RFS and emergency services as much as practicable if there is a fire or fire risk in the vicinity of the site; and
- e) notify the relevant local emergency management committee following construction of the project and prior to commencing operations for Stage Two.

2.33 **Deleted**

Aviation Obstacles and Hazards

- 2.34 Prior to the commencement of construction and operation **of each stage of the project**, the Proponent shall provide the following information to the Civil Aviation Safety Authority, AirServices Australia, the Aerial **Application** Association of Australia as well as known privately owned local airfields in the local area:
- a) as constructed" coordinates in latitude and longitude of each wind turbine generator;
 - b) final height of each wind turbine generator in Australian Height Datum; and
 - c) elevation at the base of each wind turbine generator in Australian Height Datum.

- 2.35 Should increases to the costs of aerial agricultural spraying on any non-associated property surrounding the site be attributable to the operation of the project, the Proponent shall fully fund to the affected landowner, the cost difference between current aerial agricultural spraying and the increased cost.

Bunding and Spill Management

- 2.36 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 ***Storing and Handling of Liquids: Environmental Protection – Participants Handbook*** if the chemicals are liquids.

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.

Electromagnetic Interference

Television and Radio Interference

- 2.37 Prior to the commencement of commissioning of each stage of the project, the Proponent shall undertake an assessment of the existing quality of the television/radio transmission available at a representative sample of non-associated receptors / residences located within 5 kilometres of any wind turbine.
- 2.38 In the event of a complaint regarding television/radio transmission during the operation of the project, from a non-associated receptor / residence located within 5 kilometres of a wind turbine, the Proponent shall investigate the quality of transmission at the receptor / residence compared to the pre-commissioning situation and where any transmission problems can be reasonably attributable to the project, rectify the problems within three months of the receipt of the complaint, through the implementation of such measures as:
- a) modification to or replacement of receiving antenna;
 - b) installation and maintenance of a parasitic antenna system;
 - c) provision of a land line between the affected receptor / residence and an antenna located in an area of favourable reception; or
 - d) other feasible measures.

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

Radio Communication

- 2.39 The Proponent shall design and construct each stage of the project in consultation with registered communications licensees (including emergency services) to ensure that risks to these services are minimised as far as reasonable and feasible. In the event that any disruptions to radio communication service links (installed before construction of that stage of the project) arise as a result of the project, the Proponent shall undertake appropriate remedial measures in consultation with the relevant licensee to rectify any issue within three months of the problem being identified. 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.

Heritage Impacts – Stage One

- 2.40 The Proponent shall ensure that registered Aboriginal stakeholders are provided the opportunity to have input into any micro-siting of Stage One project components in relation to potential impacts on indigenous heritage and cultural values.
- 2.41 If during the course of construction of Stage One the Proponent becomes aware of any previously unidentified Aboriginal object(s), all work likely to affect the object(s) shall cease immediately and Heritage NSW informed in accordance *National Parks and Wildlife Act 1974*. In addition, registered Aboriginal stakeholders shall be informed of the finds. Works shall not recommence until an appropriate strategy for managing the objects has been determined in consultation with Heritage NSW and the registered Aboriginal stakeholders and written authorisation from Heritage NSW is received by the Proponent.

- 2.42 If during the course of construction the Proponent becomes aware of any unexpected historical relic(s), all work likely to affect the relic(s) shall cease immediately and the **Heritage Council** notified in accordance with the *Heritage Act 1977*. Works shall not recommence until the Proponent receives written authorisation from the **Heritage Council**.

Heritage Chance Finds Protocol – Stage Two

- 2.42A Prior to the commencement of construction of Stage Two, the Proponent must prepare a Chance Finds Protocol for Stage Two in consultation with Aboriginal Stakeholders, and to the satisfaction of Heritage NSW. Following approval, the Proponent must implement the Chance Finds Protocol.

Dust Generation

- 2.43 The Proponent shall construct and operate the project in a manner that minimises dust generation from the site, including wind-blown and traffic-generated dust as far as practicable. All project related activities on the site shall be undertaken with the objective of preventing visible emissions of dust from the site. Should visible dust emissions attributable to the project occur during operation and construction, the Proponent shall identify and implement all practicable dust mitigation measures, including cessation of relevant works, as appropriate, such that emissions of visible dust cease.

Water Quality Impacts

- 2.44 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.
- 2.45 Soil and water management controls shall be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities **for Stage One**, in accordance with Landcom's *Managing Urban Stormwater: Soils and Conservation*.
- 2.45A For Stage Two, the Proponent must:
- a) minimise erosion and control sediment generation; and
 - b) ensure the wind turbine pads, ancillary infrastructure, access roads and any other land disturbances have appropriate drainage and erosion and sediment controls designed, installed and maintained in accordance with *Managing Urban Stormwater - Soils and Construction Volume 1* (Landcom, 2004) and *Managing Urban Stormwater – Soils and Construction Volume 2C Unsealed Roads* (DECC, 2008), or their latest versions.

Water Supply

- 2.45B The Proponent must ensure that it has sufficient water for all stages of the project, and if necessary, adjust the scale of the project to match its available water supply.

Note: Under the Water Act 1912 and/or the Water Management Act 2000, the Proponent is required to obtain the necessary water licenses for the project.

Waste Generation and Management

- 2.46 The Proponent shall not cause, permit or allow any waste generated outside the site to be received at the site for storage, treatment, processing, reprocessing, or disposal on the site, except as expressly permitted by a licence under the *Protection of the Environment Operations Act 1997*, if such a licence is required in relation to that waste.
- 2.47 The Proponent shall maximise the reuse and/or recycling of waste materials generated on site, to minimise the need for treatment or disposal of those materials outside the site.

- 2.48 The Proponent shall ensure that all liquid and/or non-liquid waste generated on the site is assessed and classified in accordance with *Waste Classification Guidelines* (EPA, 2014), or any future guideline that may supersede that document and where removed from the site is only directed to a waste management facility lawfully permitted to accept the materials.
- 2.49 The Proponent shall ensure that no green waste is burnt on site during the life of the project.

Temporary Construction Facilities

- 2.50 The Proponent shall locate temporary construction facilities associated with the project (including batch plant/ rock crusher sites) at the locations identified in the Environmental Assessment unless otherwise agreed to by the **Planning Secretary**. In seeking approval from the **Planning Secretary** on alternative sites, the Proponent shall demonstrate that the site:
- a) would be located within the project site identified in the **Environmental Assessment**;
 - b) would not require vegetation clearing beyond that already assessed for the project;
 - c) would achieve construction noise goals consistent with *Interim Construction Noise Guideline* (DECC, July 2009) and construction vibration goals consistent with *Assessing Vibration: A Technical Guideline* at the nearest **non-associated receptors / residences**;
 - d) would be located away from any identified areas of **Aboriginal** cultural heritage sensitivity;
 - e) would be located away from waterways or other significant water bodies;
 - f) would have ready access to the road network and not require significant heavy vehicle movement near **non-associated receptors / residences**; and
 - g) would be separated from nearest **non-associated receptors / residences** by at least 500 metres.

Community Contributions

- 2.51 Prior to the commencement of construction of the project, the Proponent shall establish a **Community Enhancement Program Fund** to be administered by **Council** to fund community enhancement measures in the **Snowy Monaro Regional** local government area to offset any potential residual amenity impacts associated with the project within **the local government area**. Community enhancement measures may include (but are not necessarily limited to) improvements to community infrastructure and services, sustainability initiatives and opportunities for local economic and tourist development.

The Proponent must contribute to the fund an annual sum of:

- \$2,500 per operational turbine within Stage One (as shown in Appendix 1), from the commencement of operation of the project, until the end of Stage One's operational life; and
- \$80,000 from the commencement of operation of any turbine within Stage Two, until the end of Stage Two's operational life.

The contribution shall be adjusted to take account of any increase in the Consumer Price Index over time, commencing at the June 2010 quarter. The terms for the administration of the funds shall be agreed between the Proponent and **Council** and submitted for the **Planning Secretary's** approval prior to the commencement of construction.

3. ENVIRONMENTAL MONITORING, REPORTING AND AUDITING

3.1 Deleted

3.2 Deleted

Bird and Bat Monitoring – Stage One

3.3 Prior to the commencement of construction of Stage One, the Proponent shall prepare and submit for the approval of the Planning Secretary a **Bird and Bat Adaptive Management Program for Stage One**, 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 prepared and implemented by a suitably qualified expert, approved by the Planning Secretary. The Program shall incorporate Monitoring, and a Decision Matrix that clearly sets out how the Proponent will respond to the outcomes of monitoring. It shall:

- a) incorporate an ongoing role for the suitably qualified expert;
- b) set out monitoring requirements in order to assess the impact of the project on bird and bat populations, including details on survey locations, parameters to be measured, frequency of surveys and analyses and reporting. The monitoring program shall be capable of detecting any changes to the population of birds and/ or bats that can reasonably be attributed to the operation of Stage One, that is, data may be required to be collected prior to the commencement of construction of Stage One;
- c) incorporate a decision making framework that sets out specific actions and when they may be required to be implemented to reduce any impacts on bird and bat populations that have been identified as a result of the monitoring;
- d) identify 'at risk' bird and bat groups, seasons (such as wet seasons where bird species may be attracted to nearby wetlands) and/or areas within the project site which may attract high levels of mortality and include monthly mortality assessments and periodic local population census' and bird utilisation surveys;
- e) identify potential mitigation measures and implementation strategies in order to reduce impacts on birds and bats from Stage One such as minimising the availability of raptor perches, swift carcass removal, pest control including rabbits, use of deterrents, and sector management including switching off turbines that are predicted to or have had an unacceptable impact on bird/ bat mortality at certain times; and
- f) identify matters to be addressed in periodic reports in relation to the outcomes of monitoring, the application of the decision making framework, the mitigation measures identified, progress with the implementation of such measures, and their success.

The Reports referred to under part f) shall be submitted to the Planning Secretary on an annual basis for the first five years of operation and every two years thereafter from the commencement of operation (unless otherwise agreed to by the Planning Secretary), and shall be prepared within two months of the end of the reporting period. The Planning Secretary may, at the request of the Proponent, vary the reporting requirement or period by notice in writing to the Proponent. The Proponent may request the Planning Secretary to consider a variation to the reporting requirements at any time.

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

Bird and Bat Monitoring – Stage Two

- 3.4 Prior to the commissioning of any wind turbines, for Stage Two, the Proponent must prepare and submit for the approval of the Planning Secretary a Bird and Bat Adaptive Management Program for Stage Two in consultation with BCS, and to the satisfaction of the Planning Secretary. The Program 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 Stage Two;
 - b) a detailed description of the measures that would be implemented on site for minimising bird and bat strike during operation of Stage Two, including:
 - minimising the availability of raptor perches on wind turbines
 - prompt carcass removal
 - controlling pests (such as rodents and rabbits); and
 - using best practice methods for bat deterrence, including managing potential lighting impacts;
 - c) species-specific trigger levels for further investigation of the potential impacts of the project on particular bird or bat species or populations and for the implementation of adaptive management measures (including, but not limited to, White-Throated Needletail, Grey-headed Flying Fox, Large Bent-winged Bat, Little Eagle, White-bellied Sea-Eagle and Spotted Harrier);
 - d) an adaptive management program that would be implemented if the project is having an adverse impact on a particular threatened or 'at risk' bird and/or bat species or population (including species listed in condition 3.4 c) above), including the implementation of measures to:
 - reduce the mortality of those species or populations;
 - where avoidance and minimisation actions are either not available or have proven to be ineffective, implement conservation actions in an area that is not subject to the risk of turbine strike;
 - notify BCS of all strikes of threatened species within 30 business days of detection.
 - e) a detailed program to monitor and report on:
 - the effectiveness of any measures implemented to avoid or minimise the risk of strikes;
 - any bird and bat strikes on site, including details on survey locations, parameters measured, frequency of surveys and analyses (including provision for increased frequency of surveys for threatened or 'at risk' bird and/or bat species or population, including White-Throated Needletail, Grey-headed Flying Fox, Large Bent-winged Bat, Little Eagle, White-bellied Sea-Eagle and Spotted Harrier);
 - for White-throated Needletail, undertake pulse monitoring when there is a significant storm event between October and April; and
 - f) provisions for a copy of all raw data collected as part of the monitoring program to be submitted to BCS and the Planning Secretary.

Following the Planning Secretary's approval, the Proponent must implement the Bird and Bat Adaptive Management Program.

- 3.5 From the commencement of operation of Stage Two, results of the monitoring program outlined in condition 3.4 e), must be published on the Proponent's website on an annual basis for the first five years of operation of Stage Two and every two years thereafter (unless otherwise agreed to by the Planning Secretary), and must be prepared within two months of the end of the reporting period.

- 3.6 The Proponent must prepare and implement a Research Program, and allocate \$50,000 to this program, and submit to the Planning Secretary for approval prior to the commencement of operation of Stage Two. The Program must be targeted at further study into the White-throated Needletail, including how and when the species moves across eastern Australia, flight paths and potential mitigation for future wind farm design.

4. ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

Compliance Tracking – Stage One

- 4.1 Unless otherwise agreed by the Planning Secretary, prior to the commencement of construction of Stage One, the Proponent shall develop and implement a **Compliance Tracking Program for Stage One**, to track compliance with the requirements of this approval during the construction and operation of Stage One and shall include, but not necessarily limited to:
- a) provisions for periodic review of the compliance status of Stage One against the requirements of this approval, Statement of Commitments and relevant environmental approvals, licences or permits required and obtained in relation to the project;
 - b) provisions for periodic reporting of compliance status against the requirements of this approval and Statement of Commitments to the Planning Secretary including at least one month prior to the commencement of construction and operation of Stage One;
 - 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 periodic reviews of compliance or environmental auditing;
 - e) mechanisms for recording environmental incidents and actions taken in response to those incidents; and
 - f) provisions for reporting environmental incidents to the Planning Secretary during construction and operation.

Independent Environmental Audit

- 4.2 Independent Audits of Stage One and Stage Two must be conducted and carried out at the frequency described and in accordance with the *Independent Audit Post Approval Requirements* (2020), unless otherwise agreed or directed by the Planning Secretary.

Revising, Staging, Combining and Updating Strategies, Plans or Programs

- 4.3 The Proponent must:
- a) update the strategies, plans or programs required under this approval to the satisfaction of the Planning Secretary prior to carrying out any upgrading or decommissioning activities on site; and
 - b) review and, if necessary, revise the strategies, plans or programs required under this approval to the satisfaction of the Planning Secretary within 3 months of the:
 - c) submission of an incident report under condition 4.12;
 - d) submission of an audit report under condition 4.2; or
 - e) any modification to the conditions of this approval.
- 4.4 With the approval of the Planning Secretary, the Proponent may:
- a) prepare and submit any strategy, plan or program required by this approval on a staged basis (if a clear description is provided as to the specific stage and scope of the project to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);
 - b) combine any strategy, plan or program required by this approval (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and
 - c) update any strategy, plan or program required by this approval (to ensure the strategies, plans and programs required under this approval are updated on a regular

basis and incorporate additional measures or amendments to improve the environmental performance of the project).

- 4.5 If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this approval.
- 4.6 If approved by the Planning Secretary, updated strategies, plans or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan or program.
- 4.7 If the Planning Secretary agrees, a strategy, plan or program may be staged without addressing particular requirements of the relevant condition of this approval if those requirements are not applicable to the particular stage.
- 4.8 A strategy, plan or program that was prepared for a stage of the project and approved in accordance with this approval, prior to the date of commencement of Modification 1, will not be combined with, updated or superseded by any strategy, plan or program prepared and approved after the commencement of Modification 1 unless the combining, updating or superseding is expressly provided for by the Proponent in the subsequent strategy, plan or program.

Notifications

Notification of Department

- 4.9 Prior to commencing the:
 - a) upgrading or decommissioning of Stage One or the cessation of operations of Stage One; and
 - b) construction, operations, upgrading or decommissioning of Stage Two or the cessation of operations of Stage Two,

the Proponent must notify the Department in writing via the Major Projects website portal of the date of commencement, or cessation, of the relevant phase.

If any of these phases of the project are to be staged, then the Proponent must notify the Department in writing prior to commencing the relevant stage, and clearly identify the development that would be carried out during the relevant stage.

Final Layout Plans – Stage Two

- 4.10 Prior to the commencement of construction of Stage Two, the Proponent must submit detailed plans of the final layout for Stage Two of the Project to the Planning Secretary, including:
 - a) details on the micro-siting of any wind turbines and/or ancillary infrastructure;
 - b) the GPS coordinates of the final wind turbine locations;
 - c) the layout of the disturbance area (including digital file) of Stage Two; and
 - d) demonstrating that Stage Two does not exceed the limits outlined in condition 2.3A.

Work as Executed Plans – Stage Two

- 4.11 Prior to commencing operations or following the upgrades of any Stage Two wind turbines or ancillary infrastructure, the Proponent must submit work as executed plans of Stage Two and showing comparison to the final layout plans to the Planning Secretary, via the Major Projects website.

Incident Notification

- 4.12 The Department must be notified in writing via the Major Projects website portal immediately after the Proponent becomes aware of an incident. The notification must identify the project (including the development application number and the name of the project if it has one), and set out the location and nature of the incident. Subsequent notification requirements must be given, and reports submitted in accordance with the requirements set out in Appendix 3.

Non-Compliance Notification

- 4.13 The Department must be notified via the Major Projects website within 7 days after the Proponent becomes aware of any non-compliance with the conditions of this approval.
- 4.14 A non-compliance notification must identify the development and the application number for it, set out the condition of approval 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, or will be, undertaken to address the non-compliance.
- 4.15 A non-compliance which has been notified as an incident does not need to also be notified as a noncompliance.

Notification of Landowners – Stage Two

- 4.16 Prior to the commencement of construction of Stage Two, the Proponent must notify the owners of SPR002 (identified in Appendix 1) and the owners of the non-associated residences referred to in condition 2.23 of their rights under condition 2.23.

5. COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

Access to Information

5.1 The Proponent must:

- a) make the following information publicly available on its website as relevant to the stage of the project:
 - the Environmental Assessment;
 - the final layout plans for the project;
 - current statutory approvals for the project;
 - approved strategies, plans or programs required under the conditions of this approval;
 - the proposed staging plans for the project if the construction, operation or decommissioning of the project is to be staged;
 - a comprehensive summary of the monitoring results of the project, which have been reported in accordance with the various plans and programs approved under the conditions of this approval;
 - how complaints about the project can be made;
 - a complaints register, which is to be updated on a monthly basis;
 - minutes of CCC meetings;
 - the annual Statement of Compliance with the EPL;
 - the results of the compliance tracking program;
 - any independent environmental audit, and the Proponent's response to the recommendations in any audit; and
 - any other matter required by the Planning Secretary; and
- b) keep this information up to date.

5.2 Deleted

Complaints Procedure

5.3 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 shall be advertised on the Proponent's **website**. 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.

5.4 The Proponent shall record details of all complaints received through the means listed under condition 5.3 of this approval in an up-to-date Complaints Register. The Register shall record, but not necessarily be limited to:

- a) details of the complaint (such as date, time and how the complaint was made);
- b) the nature of the complaint;
- c) any action(s) taken by the Proponent in relation to the complaint; and
- d) if no action was taken by the Proponent in relation to the complaint, the reason(s) why no action was taken.

The Complaints Register must be kept up-to-date on the Proponent's website, in accordance with condition 5.1 b), above.

Community Information Plan

- 5.5 Prior to the commencement of construction of each stage of the project, the Proponent shall prepare a **Community Information Plan** which outlines the approach to consultation with surrounding landowners and members of the community during construction and operation of the project. The Plan shall include but not be limited to:
- a) procedures to inform the local community of planned construction activities including construction traffic routes, potential traffic disruptions, high noise generating activities and works outside of normal construction hours;
 - b) procedures to inform and consult with landowners regarding landscaping measures at their properties in accordance with condition 2.23 of this approval;
 - c) procedures to inform and consult with landowners regarding the outcomes of noise monitoring undertaken at their properties in accordance with condition 6.4 of this approval for Stage One;
 - d) procedures to inform and consult with landowners regarding the outcomes of compliance reviews and audits of the project; and
 - e) measures outlined in conditions 5.1, 5.3 and 5.4.

The Plan shall be submitted for the approval of the **Planning Secretary** 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 **Planning Secretary**. Construction works shall not commence until written approval has been received from the **Planning Secretary**.

Community Consultative Committee

- 5.6 From commencement of construction of Stage Two, the Proponent must operate a **Community Consultative Committee** for the project to the satisfaction of the **Planning Secretary**, in accordance with the *Community Consultative Committee Guidelines for State Significant Projects* (2019), or its latest version.

6. ENVIRONMENTAL MANAGEMENT

6.1 Deleted

Construction Environmental Management Plan

6.2 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 **for each stage of the project**. The Plan shall 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) identification of the potential for cumulative impacts with other construction activities occurring in the vicinity (such as the transmission line connection to the existing electricity grid) and how such impacts would be managed;
- c) identification of the location of temporary construction sites including whether alternative locations (that were not identified in the Environmental Assessment) are proposed in accordance with condition 2.50;
- d) a description of the statutory obligations that the Proponent is required to fulfil prior to and during construction including all relevant approvals, licences and permits required and applicable key legislation and policies;
- e) evidence of consultation with relevant public authorities required under this condition and how issues raised by the agencies have been addressed in the plan;
- f) a description of the roles and responsibilities for all relevant employees involved in the construction of the project including relevant training and induction provisions for ensuring that all employees, contractors and sub-contractors are aware of their environmental and compliance obligations under these conditions of approval;
- g) an environmental risk analysis to identify the key environmental performance issues associated with the construction phase and details of how environmental performance would be monitored and managed to meet acceptable outcomes including what actions will be taken to address identified potential adverse environmental impacts. In particular, the following environmental performance issues shall be addressed in the Plan:
 - i) measures to monitor and manage dust emissions including dust generated by traffic on unsealed public roads and unsealed internal access tracks;
 - ii) measures to monitor and manage noise, vibration and blasting impacts including: identification of nearest **non-associated receptor / residence** and relevant construction noise and vibration goals applicable (including at any existing uninhabited dwellings which may be inhabited at the time of construction), identification of all reasonable and feasible measures proposed to be implemented to minimise construction noise and vibration impacts (including construction traffic noise impacts), measures for notifying surrounding receptors / **residences** of noisy activities or works outside of standard hours, and measures for monitoring compliance and responding to complaints;
 - iii) measures to monitor and manage traffic impacts in consultation with relevant road authorities (Council and **TfNSW**, as relevant) including: identification of construction traffic routes and traffic volumes along each route, potential traffic disruptions considering road safety and level of service, and specific measures for minimising traffic impacts;
 - iv) measures to monitor and manage Aboriginal heritage impacts in consultation with registered stakeholders and **Heritage NSW** including: details of further archaeological investigations and/or salvage measures to be carried out prior to

- construction, procedures for the management of identified objects within the project site, procedures for dealing with unidentified objects and/or human remains, Aboriginal cultural heritage induction processes for construction personnel, and procedures for ongoing Aboriginal consultation and involvement;
- v) measures to monitor and manage soil and water impacts in consultation with **DPE Water** and **DPI Fisheries** including: control measures for works close to or involving waterway crossings (including rehabilitation measures following disturbance and monitoring measures and completion criteria to determine rehabilitation success), identification of construction activities that are likely to pose a risk of groundwater interference, and procedures for managing groundwater impacts should they occur (including to groundwater dependent species and to registered groundwater users); and
- vi) emergency management measures including measures to control bushfires; and
- h) procedures for the periodic review and update of the Construction Environmental Management Plan as necessary.

The Plan shall be submitted for the approval of the **Planning Secretary** 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 **Planning Secretary**. Construction works **for the relevant stage of the project** shall not commence until written approval has been received from the **Planning Secretary**.

- 6.3 As part of the Construction Environmental Management Plan for the project, required under condition 6.2 of this approval, the Proponent shall prepare and implement a **Flora and Fauna Management Plan** to manage the construction impacts of the project on flora and fauna (in particular endangered ecological communities, threatened species and their habitat) **for each stage of the project**. The Plan shall be prepared in consultation with the **BCS** and shall include, but not necessarily be limited to:

- a) details of the final project design including demonstration of how biodiversity impacts have been avoided as far as reasonable and feasible in accordance with conditions 2.2 and 2.3;
- b) detailed constraint mapping of the final project area clearly identifying sensitive vegetation/habitat areas to be avoided and/or areas where site-specific management measures are required;
- c) measures for minimising impacts to native vegetation and important habitat features including but not necessarily limited to: control measures for aquatic and/ or riparian habitat in accordance with conditions 2.5 and 2.6 (including contingency measures for meeting the water requirements for the project should sourcing water from the on site farm dam conflict with maintaining water levels for the Blue Billed Duck), pre-clearance surveys by a qualified ecologist to identify sensitive vegetation areas or habitat features to be avoided and weed management;
- d) construction practices to avoid direct interaction/ injury to fauna including but not necessarily limited to:
 - (i) timing of construction so as to take into account sensitive life cycle stages for sensitive species (in accordance with condition 2.4);
 - (ii) pre-construction surveys for the presence of sensitive fauna by a qualified ecologist, including for the Grassland Earless Dragon and Striped Legless Lizard utilising survey methodology developed in consultation with **BCS**;

- (iii) as far as reasonable and feasible, maintaining appropriate barriers (such as dampcourse) so as to deter small or fossorial reptiles from entering the construction site;
- (iv) development of a specific harm minimisation/ relocation strategy for the Grassland Earless Dragon and Striped Legless Lizard in consultation with **BCS** detailing how any individuals identified within the construction area would be relocated to adjacent habitat to prevent harm; and
- (v) measures to minimise the potential for fauna to get trapped in trenches during construction and measures for monitoring and rescuing any species should they become trapped including ensuring that monitoring and rescue measures are undertaken by a qualified ecologist; and
- e) measures for progressive rehabilitation during construction including identification of performance indicators and completion criteria for revegetation works and measures for the monitoring and maintenance of revegetation works consistent with the requirements of conditions 2.7 and 2.8.

Operation Environmental Management Plan

6.4 The Proponent shall prepare and implement an **Operation Environmental Management Plan** to detail an environmental management framework, practices and procedures to be followed during operation of the project. The Plan shall be consistent with *Guideline for the Preparation of Environmental Management Plans* (DIPNR 2004) and shall include, but not necessarily be limited to:

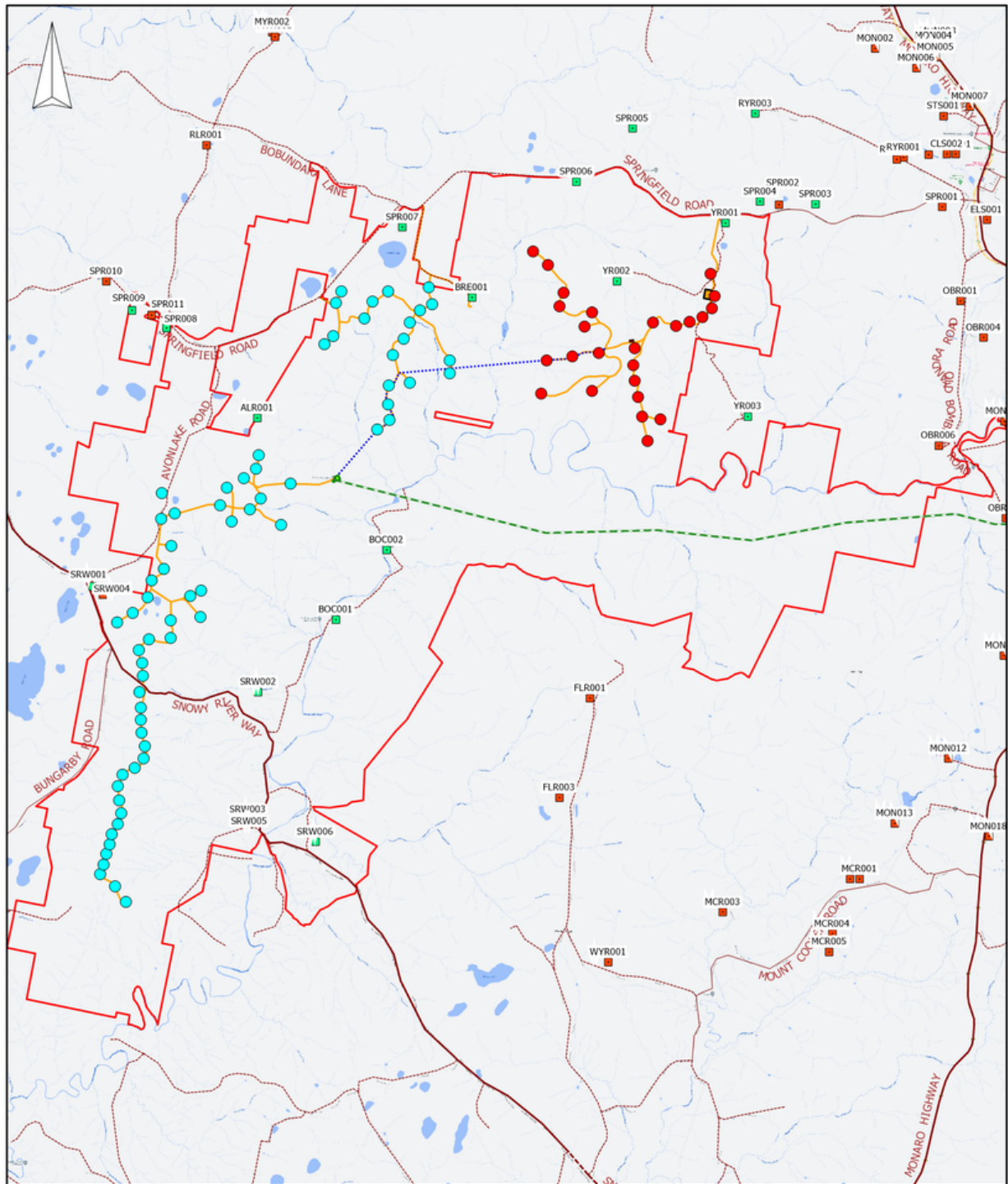
- a) a description of key operational and maintenance activities associated with the project;
- b) identification of all statutory and other obligations that the Proponent is required to fulfil in relation to operation of the project, including all approvals, licences, approvals and consultations;
- c) a description of the roles and responsibilities for all relevant employees involved in the construction of the project including relevant training and induction provisions for ensuring that all employees, contractors and sub-contractors are aware of their environmental and compliance obligations under these conditions of approval;
- d) overall environmental policies and principles to be applied to the operation of the project;
- e) an environmental risk analysis to identify the key environmental performance issues associated with the construction phase and details of how environmental performance would be monitored and managed to meet acceptable outcomes including what actions will be taken to address identified potential adverse environmental impacts. In particular, the following environmental performance issues shall be addressed in the Plan:
 - (i) measures to monitor and manage noise emissions including:
 - measures to be undertaken to rectify annoying characteristics resulting from the operation of the project such as but not limited to adverse mechanical noise from component failure;
 - measures for regular performance monitoring of noise generated by the project;
 - measures to proactively respond to and deal with noise complaints;
 - (i)(a) details of noise mitigation measures (such as sector management or on-curtilage noise treatments) that would be used to ensure that operational noise criteria are not exceeded;

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- (ii) measures to monitor and manage visual impacts in accordance with the requirements of this approval including maintenance requirements for landscaping measures implemented in relation to the project;
- (iii) measures to monitor and manage flora and fauna impacts including adaptive bird and bat management in accordance with the requirements of this approval and measures for the monitoring and maintenance of revegetated areas on site (including associated weed management) consistent with the requirements of conditions 2.7 and 2.8;
- (iv) measures to monitor and manage dust emissions (including dust generated by traffic on unsealed internal access tracks);
- (v) measures to monitor and manage operational traffic impacts particularly during maintenance events where operational traffic volumes associated with the project may increase and procedures for restoring any damage attributable to the project during the operation phase;
- (vi) emergency management measures including measures to control bushfires;
- f) procedures for the periodic review and update of the Operation Environmental Management Plan as necessary.

The Plan shall be submitted for the approval of the **Planning Secretary** no later than one month prior to the commencement of **each stage of** Operation of the project or within such period as otherwise agreed by the **Planning Secretary**. Operation of **each stage** shall not commence until written approval has been received from the **Planning Secretary**.

APPENDIX 1 – PROJECT LAYOUT



<p>LEGEND</p> <div style="display: flex; justify-content: space-between;"> <div> <p>■ Associated Residence</p> <p>■ Non-associated Receiver</p> <p>— Existing Sealed Road</p> <p>- - - Existing Unsealed Road</p> <p>— Existing 132kV Transmission line</p> <p>— Internal Roads</p> <p>- - - Overhead Cables</p> <p>■ Existing Substation and Site Office</p> <p>■ Concrete batch plant</p> <p>■ Temporary Construction Compound</p> </div> <div> <p> Project Site</p> <p>● WTG Locations</p> <p>● Stage 1: 67 WTG locations (all constructed)</p> <p>● Stage 2: 25 WTG locations (up to 20WTGs approved)</p> </div> </div>		<p>COMPANY</p> <div style="display: flex; justify-content: space-between; align-items: center;"> <div>BOCO ROCK STAGE TWO PTY LTD</div> <div> </div> </div> <p>TITLE</p> <p style="text-align: center; font-size: 1.2em;">General Layout of the Development</p>				
<p>SCALE BAR</p> <div style="display: flex; align-items: center;"> <div style="width: 100px; border-bottom: 2px solid black; position: relative;"> <div style="position: absolute; left: 0; top: -5px;">0</div> <div style="position: absolute; right: 0; top: -5px;">5 km</div> </div> </div>		DATE	SCALE	DWG NO	REV	VER
		14/12/2022	1:120000	BRST052	A	1
		DRAWN BY	CHECKED BY	SHEET	JOB NO	SIZE
		J PETERSEN	M FLOWER	1 OF 1	130607	A4

SCHEDULE OF LAND

Lot	DP
1	14852
2	
3	
4	
6	
7	
8	
15	
16	
19	
21	
22	
139	40035
1	229550
2	
3	
1	229559
2	
1	229560
2	
1	334225
1	364283
1	368317
1	404376
1	404377
1	404379
2	
3	
100	756818
154	
155	
156	
185	
192	
193	
206	
207	
208	
252	
253	
3	130456
1	104319

Lot	DP
7	456658
8	
9	
10	
5	456651
6	
6	135336
1	571796
2	589421
102	602318
3	651450
1	660742
1	723773
12	756820
14	
15	
16	
17	
30	
32	
33	
34	
35	
36	
139	
154	
181	
192	
194	
195	
196	
48	
64	756821
65	
83	
150	
3	
149	
68	
69	
70	
71	

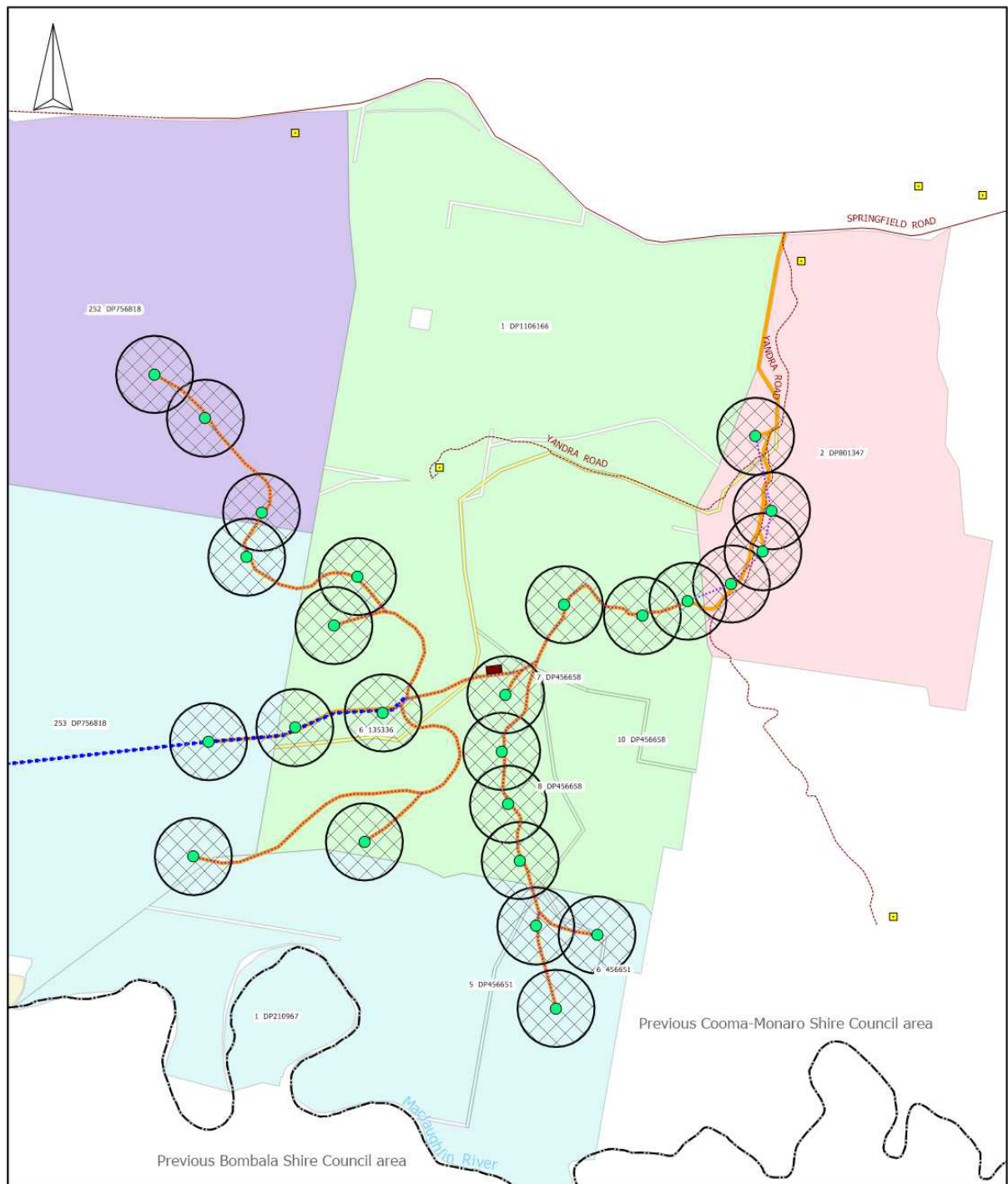
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Lot	DP
144	
145	
145	756828
146	
7	756839
54	
55	
80	
76	
63	
120	
1	172979
1	210967
20	756848
31	
33	
55	
60	
80	
88	
89	
128	
9	756861
14	
79	
116	
117	
160	
162	
163	

Lot	DP
166	
178	
2	801347
1	841200
2	
1	934066
2	
1	934064
4	934065
1	952162
1	952576
1	1047307
42	1048382
1	1097791
2	
3	
4	
5	
37	1104104
2	1104462
3	
5	
6	
1	1106166
2	1106173
3	1106223
4	
5	
1	165394

Note: The project site will also be taken to include any crown land, and any road reserves, contained within the project site.

APPENDIX 2 – SUBDIVISION PLAN FOR STAGE TWO



LEGEND		COMPANY	
● Stage Two turbines	 Council Road	BOCO ROCK STAGE TWO PTY LTD 	
 Area to be leased	 Dwellings		
 Landowners (various colours)	 LEP Council boundaries	TITLE Indicative site layout showing lease areas	
--- External overhead cables	--- Existing Sealed Rd		
--- Underground or overhead Cables	--- Existing Unsealed Rd	DATE	SCALE
--- Internal access tracks		09/12/2019	1:43000
SCALE BAR 		DWG NO	REV
		BRST040	A
		DRAWN BY	VER
		J PETERSEN	1
		CHECKED BY	
		E MOUNSEY	
		SHEET	JOB NO
		1 OF 1	130607
			SIZE
			A4

APPENDIX 3 – INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be submitted to the Planning Secretary via the Major Projects website within seven days after the Proponent becomes aware of an incident. Notification is required to be given under this condition even if the Proponent fails to give the notification required under condition E6 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - a) identify the development and application number;
 - b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - c) identify how the incident was detected;
 - d) identify when the Proponent became aware of the incident;
 - e) identify any actual or potential non-compliance with conditions of approval;
 - f) describe what immediate steps were taken in relation to the incident;
 - g) identify further action(s) that will be taken in relation to the incident; and
 - h) identify a development contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Proponent must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - a) a summary of the incident;
 - b) outcomes of an incident investigation, including identification of the cause of the incident;
 - c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - d) details of any communication with other stakeholders regarding the incident.