

# Development Consent

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

The Independent Planning Commission of NSW grants consent to the Development Application referred to in Schedule 1, subject to the conditions specified 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; and
- provide for the ongoing environmental management of the development.

Member of the Commission

Member of the Commission

Member of the Commission

Sydney

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### SCHEDULE 1

**Application Number:**

SSD 10315

**Applicant:**

Bowmans Creek Wind Farm Pty Ltd

**Consent Authority:**

Independent Planning Commission of NSW

**Land:**

See Appendix 2

**Development:**

Bowmans Creek Wind Farm

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## DEFINITIONS

Aboriginal stakeholders	Aboriginal stakeholders registered for cultural heritage consultation for the development
Ancillary infrastructure	All project infrastructure, with the exception of wind turbines, including but not limited to collector substations, switching stations, permanent offices, electricity transmission lines, site compounds, communication cables (including control cables and earthing), wind monitoring masts and internal roads.
Applicant	Bowmans Creek Wind Farm Pty Ltd, or any person who seeks to carry out the development approved under this consent
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
BCS	Biodiversity Conservation and Science Directorate within the Department
CASA	Civil Aviation Safety Authority
CCC	Community Consultative Committee
Cessation of operations	Operation of the development has ceased for a continuous period of 12 months
Commissioning	The testing of the components, equipment and systems of the development following completion of construction, prior to operations commencing
Conditions of this consent	Conditions contained in Schedule 1 to Schedule 2 inclusive
Construction	The construction of the development, including but not limited to, the carrying out of any earthworks on site and the construction of any ancillary infrastructure (but excludes road upgrades or maintenance works to the public road network, building/road dilapidation surveys, installation of fencing, artefact survey and/or salvage, overhead line safety marking and geotechnical drilling and/or surveying)
Council	Muswellbrook Shire Council, Singleton Council and Upper Hunter Shire Council
CPI	Consumer Price Index
Curtilage	The land immediately surrounding any form of residential accommodation, including any courtyard, garden, yard and adjacent buildings or structures that are incidental to the accommodation
Decommissioning	The deconstruction and removal of wind turbines and above ground ancillary infrastructure and/or rehabilitation of the site.
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	Department of Planning and Environment
Development	The development described in the EIS, as modified by the conditions of this consent
Development corridor	The corridor shown in the figures in Appendix 1 of this consent
DoD	Australian Government Department of Defence
DPI Fisheries	NSW Department of Primary Industries Fisheries
DPE Water	Water Group within the Department
EIS	The environmental impact statement for Bowmans Creek Wind Farm dated March 2021, the Submissions Report dated 8 October 2021, the Amendment Report dated 8 October 2021 and the additional information provided by the Applicant to the Department dated 25 February 2022, 19 January 2023, 28 October 2022 and 26 October 2023
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
EPA	Environment Protection Authority
EPBC Act	<i>Environmental Protection and Biodiversity Conservation Act 1999</i>
EPL	Environment Protection Licence issued under the POEO Act
Feasible	Feasible relates to engineering considerations and what is practical to build or implement
FRNSW	Fire and Rescue NSW
GPS	Global Positioning System
Heavy vehicle	As defined under the <i>Heavy Vehicle National Law (NSW)</i> , but excluding light and medium rigid trucks and buses no more than 8 tonnes and with not more than 2 axles

Heavy vehicle requiring escort	Any vehicle that requires a pilot vehicle and/or escort vehicle, as defined by the National Heavy Vehicle Regulator's NSW Class 1 Load Carrying Vehicle Operator's Guide
Heritage Act	<i>Heritage Act 1977</i>
Heritage item	An Aboriginal object, an Aboriginal place, or a place, building, work, relic, moveable object, tree or precinct of heritage significance, that is listed under any of the following: the <i>State Heritage Register under the Heritage Act 1977</i> , a state agency heritage and conservation register under section 170 of the <i>Heritage Act 1977</i> , a Local Environmental Plan under the EP&A Act, the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the EPBC Act, or anything identified as a heritage item under the conditions of this consent
Heritage NSW	Heritage NSW division within the Environment and Heritage Group of the Department
Incident	A set of circumstances that causes or threatens to cause material harm to the environment
Land	Has the same meaning as the definition of the term in section 1.4 the EP&A Act, except for where the term is used in the noise and air quality conditions in Schedule 2 of this consent where it is defined to mean the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this consent
Material harm	Is harm that: <ul style="list-style-type: none"> <li>• involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial; or</li> <li>• results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)</li> </ul>
Minimise	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development
Minister	Minister for Planning and Public Spaces, or delegate
Mitigation	Activities associated with reducing the impacts of the development
Monitoring	Any monitoring required under this consent must be undertaken in accordance with section 9.40 of the EP&A Act
Non-associated residence	Means: <ul style="list-style-type: none"> <li>• a residence on privately-owned land in respect of which the owner has not reached an agreement with the Applicant in relation to the development (as provided by this consent); or</li> <li>• a residence on privately-owned land in respect of which the owner has reached an agreement with the Applicant in relation to the development (as provided by this consent), but the agreement does not cover the relevant impact or the performance measure for such impact under that agreement has been exceeded.</li> </ul>
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent but is not an incident
OLS	Obstacle Limitation Surface
Operation	The operation of the development, but does not include commissioning, trials of equipment or use of temporary facilities
PAD	Potential Archaeological Deposit
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
PCT	Plant Community Type held within the BioNet Vegetation Classification Database
POEO Act	<i>Protection of the Environment Operations Act 1997</i>

Pre-construction minor works	Includes the following activities: <ul style="list-style-type: none"> <li>• surveys</li> <li>• overhead line safety marking;</li> <li>• building and road dilapidation surveys;</li> <li>• investigative drilling, excavation or salvage;</li> <li>• minor clearing or translocation of native vegetation;</li> <li>• establishing temporary site office (in locations meeting the criteria identified in the conditions of this consent)</li> <li>• installation of environmental impact mitigation measures, fencing, enabling works; and</li> <li>• construction of minor access roads and minor adjustments to services/utilities, etc.</li> </ul>
Privately-owned land	Land that is not owned by a public agency or publicly-owned commercial entity (or its subsidiary)
Public infrastructure	Linear and related infrastructure that provides services to the general public, such as roads, railways, water supply, drainage, sewerage, gas supply, electricity, telephone, telecommunications, irrigation channels, drainage channels, etc.
RAAF	Royal Australian Air Force – Aeronautical Information Services
Radiocommunications	Radio emission, or the reception of radio emission, for the purposes of communicating information as defined under the <i>Radiocommunications Act 1992</i>
Reasonable	Reasonable related to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
Registered Aboriginal Parties	As described in the <i>National Parks and Wildlife Regulation 2009</i>
Residence	Existing or approved dwelling at the date of grant of this consent
RFS	NSW Rural Fire Service
Shadow flicker	The flickering effect caused by the intermittent shading of the sun by the rotating blades of the wind turbines
Site	As indicated by the red line on the figures in Development Layout and listed in APPENDIX 2.
Temporary facilities	Temporary facilities used for the construction, commissioning, upgrading and/or decommissioning of the development, including but not limited to temporary site offices and compounds, rock crushing facilities, concrete or asphalt batching plants, materials storage compounds, maintenance workshops, material stockpiles, laydown areas and parking spaces.
TfNSW	Transport for New South Wales
Upgrade	The replacement of wind turbines and ancillary infrastructure on site (excluding maintenance) in accordance with the conditions of this consent
VPA	Voluntary Planning Agreement
Wind turbine	Turbines used for the generation of electricity by wind, including the tower, blades and associated components

## SCHEDULE 2

### PART A ADMINISTRATIVE CONDITIONS

#### OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- A1. In meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction, commissioning, operation, upgrading, rehabilitation or decommissioning of the development.

#### TERMS OF CONSENT

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
  - (b) in accordance with all written directions of the Planning Secretary;
  - (c) generally in accordance with the EIS; and
  - (d) generally in accordance with the Development Layout Appendix 1.
- A3. The Applicant must comply with any 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 consent;
  - (b) any reports, reviews or audits commissioned by the Department regarding compliance with this consent; and
  - (c) the implementation of any actions or measures contained in these documents.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c)A2(c) or A2(d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c) or A2(d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

#### LIMITS ON CONSENT

##### Total number of Wind Turbines

- A5. A maximum of 54 wind turbines may be constructed and operated on the site.

##### Wind Turbine Height

- A6. The maximum permitted height of any wind turbine (measured from above ground level to the blade tip height) is 220 metres.

##### Micro-siting Restrictions

- A7. Wind turbines and ancillary infrastructure may be micro-sited without further approval providing:
- (a) the surface disturbance remains within the development corridor (with the exception of wind monitoring masts) shown on the figures in Appendix 1;
  - (b) no wind turbine is moved more than 100 metres from the relevant gps coordinates shown in Appendix 1;
  - (c) wind turbine (T8) must not be micro-sited closer to non-associated residence S17-2;
  - (d) the revised location of the blade of a wind turbine is at least 50 metres from the canopy of existing hollow-bearing trees; or where the proposed location of the blade of a wind turbine is already within 50 metres of the canopy of existing hollow-bearing trees, the revised location is not any closer to the existing hollow-bearing trees;
  - (e) the revised location of a wind turbine does not increase the risk to breeding habitat identified for threatened and 'at risk' fauna species identified in condition B12(a);
  - (f) the revised location of the wind turbine and/or ancillary infrastructure would not result in any non-compliance with the conditions of this consent; and
  - (g) the wind monitoring masts are located within the development corridor where possible and their development would not result in any non-compliance with the conditions of this consent.

#### UPGRADING OF WIND TURBINES AND ANCILLARY INFRASTRUCTURE

- A8. The Applicant may upgrade the wind turbines and ancillary infrastructure on site provided these upgrades remain within the approved development disturbance area.

Prior to carrying out any such upgrades, the Applicant must provide revised layout plans and project details of the development to the Planning Secretary incorporating the proposed upgrades.

## STRUCTURAL ADEQUACY

A9. The Applicant must ensure that:

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

Notes:

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

## DEMOLITION

A10. The Applicant must ensure that all demolition work on site is carried out in accordance with *Australian Standards AS 2601-2001: The Demolition of Structures*, or its latest version.

## PROTECTION OF PUBLIC INFRASTRUCTURE

A11. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:

- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development;
- (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development; and
- (c) avoid locating the transmission line within the formed road alignment of Hebden Road (north) (other than where the transmission line must cross the road).

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

## OPERATION OF PLANT AND EQUIPMENT

A12. All plant and equipment used on site, or in connection with the development, must be:

- (a) maintained in a proper and efficient condition; and
- (b) operated in a proper and efficient manner.

## SUBDIVISION

A13. The Applicant may subdivide land comprising the site for the purposes of carrying out the development as generally identified in Appendix 4 and in accordance with the requirements of the EP&A Act, EP&A Regulation and the *Conveyancing Act 1919* (NSW).

Notes:

- Under Part 6 of the EP&A Act, the Applicant is required to obtain a subdivision certificate for a plan of subdivision.
- Division 6.4 of Part 6 of the EP&A Act sets out the application requirements for subdivision certificates.

## APPLICABILITY OF GUIDELINES

A14. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.

However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

## COMPLIANCE

A15. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

## EVIDENCE OF CONSULTATION

- A16. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
  - (b) provide details of the consultation undertaken including:
    - (i) the outcome of that consultation, matters resolved and unresolved; and
    - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

## COMMUNITY CONSULTATIVE COMMITTEE

- A17. The Applicant must operate a Community Consultative Committee (CCC) for the development in accordance with the Department's *Community consultative committee guideline: State significant projects* (2023), or its latest version.

## COMMUNITY ENHANCEMENT

- A18. Prior to commencing construction, or other timeframe agreed by the Planning Secretary, the Applicant must enter into a VPA with Council in accordance with:
- (a) Division 7.1 of Part 7 of the EP&A Act; and
  - (b) the terms of:
    - (i) Muswellbrook Shire Council letter dated 26 April 2023;
    - (ii) Singleton Council letter dated 27 March 2023;
    - (iii) Upper Hunter Shire Council letter dated 6 April 2023;
- which are summarised in Appendix 3.



## PART B SPECIFIC ENVIRONMENTAL CONDITIONS

### TRANSPORT

#### Access Route

- B1. Unless the Planning Secretary agrees otherwise, the Applicant must ensure that:
- (a) all vehicles associated with the development access the site via:
    - (i) for light vehicles: New England Highway, Hebden Road (north) or Hebden Road (south), Scrumlo Road and the site access point off Scrumlo Road, as identified in the figure in Appendix 5;
    - (ii) for heavy vehicles: New England Highway, Hebden Road (south), Scrumlo Road and the site access point off Scrumlo Road, as identified in the figure in Appendix 5; and
    - (iii) for heavy vehicles requiring escort: New England Highway, Hebden Road (south), Scrumlo Road and the site access point off Scrumlo Road, as identified in the figure in Appendix 5; and
  - (b) Albano Road and Bowmans Creek Road are not used by vehicles associated with the development, except at the locations identified in the figure in Appendix 5 to allow access between portions of the site.

#### Road Upgrades: New England Highway / Hebden Road (north and south) intersections to Site Access Point

- B2. Unless the Planning Secretary agrees otherwise, the Applicant must implement the road upgrades identified in Appendix 5 in accordance with the relevant timing requirements, to the satisfaction of the relevant roads authority.

Unless the relevant road authority agrees otherwise, these upgrades must comply with the current Austroads Guidelines, Australian Standards and TfNSW supplements.

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

#### Notes:

- Works on local Council roads - Under Part 4.4.2 of the EP&A Act, the applicant is required to obtain consent under section 138 of the Roads Act 1993 from the relevant road authority prior to commencing the road upgrades.
- The Applicant is required to obtain relevant permits under the Heavy Vehicle National Law (NSW) for the use of heavy vehicles requiring escort on the road network.

#### Road Upgrades: Heavy Vehicles Requiring Escort

- B3. Prior to the use of heavy vehicles requiring escort on the public road network, all relevant approvals must be obtained and implemented (including for any road upgrades that may be required from point of origin to the New England Highway / Hebden Road (south) intersection).

#### Road Maintenance

- B4. The Applicant must, in consultation with the relevant Council:
- (a) undertake an independent dilapidation survey to assess the existing condition of Albano Road, Bowmans Creek Road, Hebden Road (north), Hebden Road (south) (including Hebden Bridge) and Scrumlo Road on the access route, prior to construction, upgrading or decommissioning works; and
  - (b) undertake an independent dilapidation survey one month following completion of construction, upgrading or decommissioning works, to assess the condition of the roads listed in condition B4(a) and describe the necessary repairs to return the route to a condition that is equivalent to, or better than, the existing condition identified in B4(a); and
  - (c) repair and/or make good any development-related damage identified during:
    - (i) the carrying out of the relevant construction, upgrading and/or decommissioning works if it could endanger road safety, as soon as possible after the damage is identified but within 7 days at the latest; and
    - (ii) any dilapidation survey carried out in accordance with condition B4(b) within 2 months of the completion of the survey, unless the relevant road authority agrees otherwise.

If there is a dispute between the Applicant and the relevant Council about the repair of the above listed roads, then either party may refer the matter to the Planning Secretary for resolution.

## Operating Conditions

B5. The Applicant must ensure:

- (a) heavy vehicles and heavy vehicles requiring escort are scheduled to avoid AM (5 am to 6 am) and PM (4 pm to 5 pm) peak southbound traffic at the New England Highway and Hebden Road (north and south) intersections;
- (b) any new internal roads are constructed as all-weather roads;
- (c) any existing internal roads are maintained as all-weather roads;
- (d) there is sufficient parking on site for all vehicles, and no parking occurs on the public road network in the vicinity of the site;
- (e) the capacity of the existing roadside drainage network is not reduced;
- (f) any unformed Crown road reserves affected by the development are maintained for future use, unless otherwise agreed with the DPE Crown Lands;
- (g) any road upgrades that may affect watercourse crossings on Albano Road comply with the *Policy and Guidelines for Fish Habitat Conservation and Management (2013)*, unless otherwise agreed with DPI Fisheries;
- (h) all vehicles are loaded and unloaded on site, and enter and leave the site in a forward direction; and
- (i) development-related vehicles leaving the site are in a clean condition to minimise dirt being tracked onto the sealed public road network.

## Traffic Management Plan

B6. Prior to commencing road upgrades identified in condition Appendix 5, the Applicant must prepare a Traffic Management Plan for the development in consultation with TfNSW and Councils, and to the satisfaction of the Planning Secretary. This plan must include:

- (a) details of the haulage route to be used for all development-related traffic;
- (b) details of the road upgrade works required by condition B2;
- (c) details of the measures that would be implemented to minimise traffic impacts during construction, upgrading or decommissioning works, including:
  - (i) details of the dilapidation surveys required by condition B4;
  - (ii) meeting the operating conditions required by condition B5;
  - (iii) temporary traffic controls, including detours and signage;
  - (iv) notifying the local community about development-related traffic impacts;
  - (v) procedures for receiving and addressing complaints from the community about development related traffic;
  - (vi) minimising potential cumulative traffic impacts with other projects along the access route, including consultation with TfNSW regarding their projects;
  - (vii) minimising potential conflict with rail services, stock movements, school buses and other road users (including mine traffic) as far as practicable, including preventing queuing on the public road network;
  - (viii) minimising dirt/debris tracked onto the public road network from development-related traffic;
  - (ix) details of the employee shuttle bus service (if proposed), including pick-up and drop-off points and associated parking arrangements for construction workers, and measures to ensure employee use of this service as described in the EIS;
  - (x) encouraging car-pooling or ride sharing by employees;
  - (xi) scheduling of haulage vehicle movements to minimise convoy length or platoons, and to minimise conflict with light vehicles;
  - (xii) ensuring loaded vehicles entering or leaving the site have their loads covered or contained;
  - (xiii) responding to local climate conditions that may affect road safety such as fog, dust, wet weather, snow, ice and flooding;
  - (xiv) avoiding impacts on WaterNSW water quality monitoring sites and ensuring suitable access to these sites is maintained;
  - (xv) responding to any emergency repair or maintenance requirements; and
  - (xvi) a traffic management system for managing heavy vehicles requiring escort;
- (d) a driver's code of conduct that addresses:
  - (i) driver fatigue;
  - (ii) procedures to ensure that drivers to and from the development adhere to the designated haulage routes and speed limits; and
  - (iii) procedures to ensure that drivers to implement safe driving practices; and

- (e) a detailed program to monitor and report on the effectiveness of these measures and the code of conduct.

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

## **BIODIVERSITY**

### **Vegetation Clearance**

- B7. The Applicant must not clear any native vegetation or fauna habitat located outside the development corridor.

### **Restrictions on Clearing and Habitat**

- B8. Unless the Planning Secretary agrees otherwise, the Applicant must:
- (a) ensure that the vegetation and habitat clearing limits specified in Table 1, Table 2 and Table 3 of Appendix 6 are not exceeded; and
  - (b) minimise:
    - (i) the clearing of native vegetation and key habitat;
    - (ii) the impacts of the development on hollow-bearing trees; and
    - (iii) the impacts of the development on threatened bird and bat populations.

### **Biodiversity Offsets**

- B9. Prior to carrying out any development that could directly or indirectly impact the biodiversity values requiring offset, the Applicant must retire biodiversity credits of a number and class specified in Table 1, Table 2 and Table 3 of Appendix 6, unless the Planning Secretary agrees otherwise.  
The retirement of these credits must be carried out in accordance with the *NSW Biodiversity Offsets Scheme* and can be achieved by:
- (a) acquiring or retiring 'biodiversity credits' within the meaning of the *Biodiversity Conservation Act 2016*;
  - (b) making payments into an offset fund that has been developed by the NSW Government; or
  - (c) funding a biodiversity conservation action that benefits the entity impacted and is listed in the ancillary rules of the biodiversity offset scheme.
- B10. Prior to carrying out any development that could directly or indirectly impact the biodiversity values requiring offset, the Applicant must provide evidence to the Planning Secretary that biodiversity credits have been retired.

### **Biodiversity Management Plan**

- B11. Prior to carrying out any development that could impact biodiversity values, unless the Planning Secretary agrees otherwise, the Applicant must prepare a Biodiversity Management Plan for the development, and to the satisfaction of the Planning Secretary. This plan must:
- (a) be prepared by a suitably qualified and experienced biodiversity expert/s in consultation with BCS and DCCEEW;
  - (b) be prepared in accordance with the Biodiversity Development Assessment Report dated 17 September 2021 and Biodiversity Addendum Report dated 21 February 2022;
  - (c) include a description of the measures and timeframes that would be implemented for:
    - (i) meeting the biodiversity mitigation requirements in conditions B7 and B8;
    - (ii) securing land comprising 37 ha of Box Gum Woodland (PCT 618 Derived Native Grassland) for the purpose of rehabilitating, enhancing and protecting, in perpetuity, this vegetation to condition state commensurate with Box Gum Woodland (PCT 1608 Woodland);
    - (iii) minimising the impacts on fauna, including measures to minimise the risk of vehicle strike;
    - (iv) minimising the potential indirect impacts on threatened flora and fauna species, migratory species and 'at risk' species;
    - (v) implementing fauna management protocols, including undertaking pre-clearance surveys;
    - (vi) avoiding the removal of hollow-bearing trees during spring to avoid the main breeding period for hollow-dependent fauna;
    - (vii) avoiding and minimising impacts on Serious and Irreversible Impact entities;
    - (viii) managing and enhancing the remnant vegetation and fauna habitat onsite;
    - (ix) protecting native vegetation and key fauna habitat outside the approved disturbance area;
    - (x) construction clearing and operation vegetation management protocols;
    - (xi) rehabilitating and restoring disturbance areas to pre-existing conditions;

- (xii) maximising the salvage of resources within the approved disturbance area – including vegetative and soil resources – for beneficial reuse (such as fauna habitat enhancement) during the rehabilitation and restoration of the site;
- (xiii) controlling weeds, feral pests, pathogens with consideration of actions identified in relevant threat abatement plans;
- (xiv) controlling erosion; and
- (xv) bushfire management;
- (d) include a detailed program to monitor and report on the effectiveness of these measures;
- (e) include details of who would be responsible for monitoring, reviewing and implementing the plan.

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

### **Bird and Bat Adaptive Management Plan**

- B12. Prior to the commissioning of any wind turbines, the Applicant must prepare a Bird and Bat Adaptive Management Plan for the development in consultation with BCS, and to the satisfaction of the Planning Secretary. This plan must be prepared in accordance with the Biodiversity Development Assessment Report (report dated 17 September 2021) and Biodiversity Addendum Report (dated 21 February 2022) and include:
- (a) at least 12 months' worth of baseline data on threatened and 'at risk' bird and bat species and populations in the locality that could be affected by the development;
  - (b) a description of the other measures that would be implemented on site for minimising bird and bat strike during operation of the development, including:
    - (i) a wind turbine curtailment strategy (if required);
    - (ii) minimising the availability of raptor perches on wind turbines;
    - (iii) prompt carcass removal;
    - (iv) controlling pests; and
    - (v) using best practice methods for bat deterrence, including managing potential lighting impacts;
  - (c) an adaptive management program that would be implemented if the development is having an adverse impact on a particular threatened or 'at risk' bird and/or bat species or populations, including:
    - (i) a trigger action response plan to minimise potential impacts of the project;
    - (ii) the implementation of measures to:
      - reduce the mortality of those species or populations; or
      - enhance and propagate those species or populations in the locality, where feasible; and
  - (d) a detailed program to monitor and report on:
    - (i) the effectiveness of these measures; and
    - (ii) any bird and bat strikes on site;
  - (e) 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 Applicant must implement the Bird and Bat Adaptive Management Plan.

## **VISUAL**

### **Visual Impact Mitigation**

- B13. For a period of 5 years of the commencement of construction, the owner of any non-associated residence within 4.4 km of any wind turbine identified in the Final Layout Plan may ask the Applicant to implement visual impact mitigation measures on their land to minimise the visual impacts of the development on their residence (including its curtilage). Upon receiving such a written request from the owner of these residences, the Applicant must implement appropriate mitigation measures (such as landscaping and vegetation screening) in consultation with the owner.

The mitigation measures must:

- (a) be reasonable and feasible;
- (b) be aimed at reducing the visibility of the wind turbines from the residence and its curtilage and commensurate with the level of visual impact on the residence;
- (c) consider bushfire risk (including the provisions of *Planning for Bushfire Protection 2019*); and
- (d) be implemented within 12 months of receiving the written request, unless the Planning Secretary agrees otherwise.

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

Notes:

- To avoid any doubt, mitigation measures are not required to be implemented to reduce the visibility of wind turbines from any other locations on the property other than the residence and its curtilage.
- The identification of appropriate visual impact mitigation measures will be more effective following the construction of the wind turbines. While owners may ask for the implementation of visual impact mitigation measures shortly after the commencement of construction, 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.

### Visual Appearance

B14. The Applicant must:

- take all reasonable steps to minimise the off-site visual impacts of the development;
- ensure the wind turbines are:
  - painted off white/grey, unless otherwise agreed by the Planning Secretary; and
  - finished with a surface treatment that minimises the potential for glare and reflection;
- ensure the visual appearance of all ancillary infrastructure (including paint colours, specifications and screening) blends in as far as possible with the surrounding landscape; and
- not mount any advertising signs or logos on site, except where required for safety or emergency purposes.

### Lighting

B15. The Applicant must:

- consult with CASA and RFS regarding night time obstacle lighting requirements and, if required, ensure obstacle lights are energised during hours of darkness in accordance with CASA's recommendations;
- minimise the off-site lighting impacts of the development;
- ensure that any aviation hazard lighting complies with CASA's recommendations;
- minimise the visual impacts of any aviation lighting by implementing measures including as appropriate in the circumstances:
  - partial shielding of lights;
  - operating the lights only at night or during times of reduced visibility; and
  - turning the lights on and off simultaneously; and
- ensure that all external lighting associated with the development (apart from any aviation hazard lighting):
  - is installed as low intensity lighting (except where required for safety or emergency purposes);
  - does not shine above the horizontal;
  - uses best management practice for bat deterrence; and
  - complies with *Australian/New Zealand Standard AS/NZS 4282:2019: Control of Obtrusive Effects of Outdoor Lighting*, or its latest version.

If there is a dispute about the need for aviation hazard lighting under condition B15(b), including which wind turbines are to be lit, then either party may refer the matter to the Planning Secretary for resolution.

### Shadow Flicker

B16. The Applicant must ensure that shadow flicker associated with wind turbines does not exceed 30 hours per annum at any non-associated residence.

## NOISE AND VIBRATION

### Construction Hours

B17. Road upgrades, construction, commissioning, demolition, upgrading or decommissioning activities (excluding blasting) may only be undertaken between:

- 7 am to 6 pm Monday to Friday;
- 8 am to 1 pm Saturdays; and
- at no time on Sundays and NSW public holidays:

unless the Planning Secretary agrees otherwise.

### Exceptions to Construction Hours

- B18. The following activities may be carried out outside the hours specified in condition B17 above:
- (a) activities that are inaudible at non-associated residences;
  - (b) the delivery or dispatch 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.

### Variation of Construction Hours

- B19. The hours of construction activities specified in condition B17 of this approval may be varied with the prior written approval of the Planning Secretary. Any request to alter the hours of construction must be:
- (a) considered on a case-by-case or activity-specific basis;
  - (b) accompanied by details of the nature and justification for activities to be conducted during the varied construction hours;
  - (c) accompanied by written evidence that appropriate consultation with potentially affected sensitive receivers and notification of Councils (and other relevant agencies) has been and will be undertaken;
  - (d) accompanied by evidence that all feasible and reasonable noise mitigation measures have been put in place; and
  - (e) accompanied by a noise impact assessment consistent with the requirements of the *Interim Construction Noise Guideline* (DECCW, 2009), or latest version.

### Construction and Decommissioning

- B20. The Applicant must take all reasonable steps to minimise the construction or decommissioning noise of the development, including any associated traffic noise.
- B21. The Applicant must ensure that the noise generated by any construction or decommissioning activities is managed in accordance with the requirements outlined in the *Interim Construction Noise Guideline* (DECC, 2009) (or its latest version).
- B22. The Applicant must comply with the following vibration limits:
- (a) vibration criteria established using the *Assessing vibration: a technical guideline* (DEC, 2006) (for human exposure);
  - (b) BS 7385 Part 2-1993 “*Evaluation and measurement for vibration in buildings Part 2*” as they are “applicable to Australian conditions”; and
  - (c) vibration limits set out in the German Standard DIN 4150-3: *Structural Vibration – effects of vibration on structures (for structural damage)*.

### Blasting

- B23. Blasting may only be carried out on site between 9 am and 5 pm Monday to Friday and between 9 am to 1 pm on Saturday. No blasting is allowed on Sundays or public holidays.

The Applicant must ensure that any blasting carried out on site does not exceed the criteria in Table 1 .

**Table 1 | Blasting criteria**

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

### Operational Noise Criteria – Wind Turbines

- B24. The Applicant must ensure that the noise generated by the operation of wind turbines does not exceed the higher of 35 dB(A) or the existing background noise level (LA90 (10-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 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 Applicant has an agreement with the relevant owner/s of these residences to generate higher noise levels, and the Applicant has advised the Department in writing of the terms of this agreement.

### **Operational Noise Criteria – Ancillary Infrastructure**

B25. The noise generated by the operation of ancillary infrastructure 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 Monitoring**

B26. Within 6 months of the commencement of operations (or the commencement of operation of a stage, if the development is to be staged), the Applicant must:

- (a) undertake noise monitoring to determine whether the development is complying with the relevant conditions of this consent; and
- (b) submit a copy of the monitoring results to the Department and the EPA.

B27. The Applicant must undertake further noise monitoring of the development if required by the Planning Secretary.

### **AIR**

B28. The Applicant must take all reasonable steps to:

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

### **SOIL AND WATER**

#### **Water Supply**

B29. The Applicant must ensure that it has sufficient water for all stages of the development, and if necessary, adjust the scale of the development to match its available water supply.

*Note: Under the Water Act 1912 and/or the Water Management Act 2000, the Applicant is required to obtain the necessary water licenses before commencing any works which intercept or extract groundwater or surface water (unless an exemption applies).*

#### **Water Pollution**

B30. Unless an EPL authorises otherwise, the Applicant must comply with Section 120 of the POEO Act.

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

#### **Operating Conditions**

B31. The Applicant must:

- (a) minimise erosion and control sediment generation;
- (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;
- (c) ensure all waterway crossings are constructed in accordance with the *Water Guidelines for Controlled Activities on Waterfront Land* (NRAR, 2018), unless DPE Water agrees otherwise;
- (d) ensure the concrete batching plants and substations are suitably bunded; and
- (e) minimise any spills of hazardous materials or hydrocarbons, and clean up any spills as soon as possible after they occur.

### **HERITAGE**

#### **Protection of Heritage Items**

B32. The Applicant must:

- (a) Ensure the development does not cause any direct or indirect impacts to aboriginal heritage items identified in Table 1 of Appendix 7, historic heritage items identified in Table 3 of Appendix 7, and any items located outside the disturbance area;

- (b) implement all reasonable and feasible measures to avoid and minimise harm to Aboriginal heritage items identified in Table 2 of Appendix 7; and
- (c) salvage and relocate items that would be impacted to a suitable alternative location, in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (DECCW, 2010), or its latest version.

*Note: The location of the heritage items referred to in this condition are shown in the figure in Appendix 7.*

### **Heritage Management Plan**

- B33. Prior to carrying out any development that could directly or indirectly impact the heritage items identified in condition B32, the Applicant must prepare a Heritage Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:
- (a) be prepared by a suitably qualified and experienced person whose appointment has been endorsed by the Planning Secretary;
  - (b) be prepared in consultation with Aboriginal stakeholders and reviewed by Heritage NSW;
  - (c) provide an updated list of Aboriginal heritage items identified in condition B32 that would be protected and remain in-situ throughout construction and items that would be salvaged and relocated to suitable alternative locations;
  - (d) include a justification where impacts to Aboriginal heritage items identified in condition B32(b) cannot be avoided;
  - (e) include a description of the measures that would be implemented for:
    - (i) protecting heritage items in accordance with condition B32;
    - (ii) minimising and managing the impacts of the development on Aboriginal heritage items identified in condition B32(b) that cannot be avoided, including:
      - undertaking test excavations of PADs;
      - salvaging and relocating items to suitable alternative locations; and
      - a strategy for the long-term management of any Aboriginal and historic items or material collected during the excavation or salvage works;
    - (iii) a contingency plan and reporting procedure if:
      - heritage items outside the approved disturbance area are damaged;
      - previously unidentified heritage items are found; or
      - skeletal material is discovered;
    - (iv) ensuring workers on site receive suitable heritage inductions prior to carrying out any development on site, and that records are kept of these inductions; and
    - (v) ongoing consultation with Aboriginal stakeholders and Heritage NSW during the implementation of the plan; and
  - (f) include a program to monitor and report on the effectiveness of these measures and any heritage impacts of the project.

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

### **AVIATION**

#### **Mitigation of Aviation-Related Impacts**

- B34. The Applicant must carry out the development in accordance with the *National Airports Safeguarding Framework Guideline D: Managing the Risk to Aviation Safety of Wind Turbine Installations (Wind Farms)/Wind Monitoring Towers*, or its latest version, unless the Secretary agrees otherwise.

#### **Notification of Aviation Authorities**

- B35. Prior to the construction of any wind turbine or wind monitoring mast, the Applicant must provide the following information to CASA, Airservices Australia, DoD, RFS and the RAAF (together the authorities):
- (a) co-ordinates in latitude and longitude of each wind turbine and mast;
  - (b) the final height of each wind turbine and mast in Australian Height Datum;
  - (c) ground level at the base of each wind turbine and mast in Australian Height Datum;
  - (d) confirmation of compliance with any OLS; and
  - (e) details of any proposed aviation hazard lighting.
- B36. Within 30 days of the practical completion of any wind turbine or mast, the Applicant must:
- (a) provide confirmation to the authorities that the information that was previously provided remains accurate; or
  - (b) update the information previously provided.



## RADIOCOMMUNICATIONS

- B37. If the development results in the disruption to any radio communications services (including point-to-point microwave links) in the area, then the Applicant must make good any disruption to these services as soon as possible following the disruption, but no later than 1 month following the disruption of the service unless the relevant service provider or user or Planning Secretary agrees otherwise.

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

## HAZARDS

### Storage and Handling of Dangerous Goods

- B38. The Applicant must store and handle all chemicals, fuels and oils used on-site in accordance with:

- (a) the requirements of all relevant Australian Standards; and
- (b) the NSW EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Handbook* if the chemicals are liquids.

In the event of an inconsistency between the requirements listed in (a) to (b) above, the most stringent requirement must prevail to the extent of the inconsistency.

### Operating Conditions

- B39. The Applicant must:

- (a) minimise the fire risks of the development, including managing vegetation fuel loads on-site;
- (b) ensure that the development:
  - (i) complies with the relevant asset protection requirements in the RFS's *Planning for Bushfire Protection 2019* (or equivalent) and Standards for Asset Protection Zones;
  - (ii) 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 each substation;
- (c) assist the RFS, FRNSW and emergency services as much as practicable if there is a fire in the vicinity of the site; and
- (d) notify the relevant local emergency management committee following construction of the development, and prior to commencing operations.

### Emergency Plan

- B40. Prior to commencing construction, the Applicant must develop and implement a comprehensive Emergency Plan and detailed emergency procedures for the development, in consultation with RFS, and provide a copy of the plan to the local Fire Control Centre. The Applicant must keep two copies of the plan on-site in a prominent position adjacent to the site entry point at all times. The plan must:

- (a) be consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning'* and RFS's *Planning for Bushfire Protection 2019* (or equivalent);
- (b) include procedures for the storage and maintenance of any flammable materials;
- (c) include bushfire emergency management planning, including:
  - (i) details of the location, management and maintenance of Asset Protection Zones and on-site water supply tanks;
  - (ii) a list of works that should not be carried out during a total fire ban;
  - (iii) details of the access provisions for emergency vehicles and contact details for both a primary and alternative site contact who may be reached 24/7 in the event of an emergency;
  - (iv) details of the how RFS would be notified, and procedures that would be implemented, in the event that:
    - there is a fire on-site or in the vicinity of the site;
    - there are any activities on site that would have the potential to ignite surrounding vegetation; or
    - there are any proposed activities to be carried out during a bushfire danger period;
- (v) an Emergency Services Information Package in accordance with *Emergency services information and tactical fire plan* (FRNSW, 2019), to the satisfaction of FRNSW and RFS; and
- (vi) operational procedures in the event of bushfires, such as shutting down turbines and the positioning of turbine blades to minimise interference with aerial firefighting operations.

## WASTE

B41. The Applicant must:

- (a) minimise the waste generated by the development;
- (b) classify all waste generated on site in accordance with the EPA's *Waste Classification Guidelines 2014* (or its latest version);
- (c) store and handle all waste generated on site in accordance with its classification;
- (d) not receive or dispose of any waste on site; and
- (e) remove all waste from the site as soon as practicable, and ensure it is reused, recycled or sent to an appropriately licensed waste facility for disposal.

## ACCOMMODATION AND EMPLOYMENT STRATEGY

B42. Prior to commencing construction, the Applicant must prepare an Accommodation and Employment Strategy for the development in consultation with Councils, and to the satisfaction of the Planning Secretary. This strategy must:

- (a) propose measures to ensure there is sufficient accommodation for the workforce associated with the development;
- (b) consider the cumulative impacts associated with other State significant development projects in the area;
- (c) investigate options for prioritising the employment of local workers for the construction and operation of the development, where feasible; and
- (d) include a program to monitor and review the effectiveness of the strategy over the life of the development, including regular monitoring and review during construction.

Following the Planning Secretary's approval, the Applicant must implement the Accommodation and Employment Strategy

## DECOMMISSIONING AND REHABILITATION

### Rehabilitation Objectives – Decommissioning

B43. Within 18 months of the cessation of operations, unless the Planning Secretary agrees otherwise, the Applicant must rehabilitate the site to the satisfaction of the Planning Secretary. This rehabilitation must comply with the objectives in Table 2 .

**Table 2 | Rehabilitation Objectives**

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

### **Progressive Rehabilitation**

B44. The Applicant must:

- (a) rehabilitate all areas of the site not proposed for future disturbance progressively, that is, as soon as reasonably practicable following construction or decommissioning;
- (b) minimise the total area exposed at any time; and
- (c) where it is not possible to carry out measures for permanent rehabilitation, employ interim rehabilitation strategies to minimise dust generation, soil erosion and weed incursion until such time that it is.

### **Dismantling of Wind Turbines**

B45. Any individual wind turbines which cease operating for more than 12 consecutive months must be dismantled within 18 months after that 12 month period, unless the Planning Secretary agrees otherwise.

RECOMMENDED

## PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

### ENVIRONMENTAL MANAGEMENT

#### Environmental Management Strategy

- C1. Prior to commencing construction, the Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Planning Secretary. This strategy must:
- (a) provide the strategic framework for environmental management of the development;
  - (b) identify the statutory approvals that apply to the development;
  - (c) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
  - (d) set out the procedures that would be implemented to:
    - (i) keep the local community and relevant agencies informed about the operation and environmental performance of the development;
    - (ii) receive, handle, respond to, and record complaints;
    - (iii) resolve any disputes that may arise;
    - (iv) respond to any non-compliance;
    - (v) respond to emergencies; and
  - (e) include:
    - (i) reference to any strategies, plans and programs approved under the conditions of this consent; and
    - (ii) a clear plan depicting all the monitoring to be carried out in relation to the development, including a table summarising all the monitoring and reporting obligations under the conditions of this consent.

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

#### Revision of Strategies, Plans and Programs

- C2. The Applicant must:
- (a) update the strategies, plans or programs required under this consent 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 consent to the satisfaction of the Planning Secretary within 3 months of the:
    - (i) submission of an incident report under condition C10 of Schedule 2;
    - (ii) submission of an audit report under condition C15 of Schedule 2; or
    - (iii) any modification to the conditions of this consent.

#### STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS

- C3. With the approval of the Planning Secretary, the development may be staged and the Applicant may:
- (a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development 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 consent (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 consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).
- C4. 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 consent.
- C5. 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.
- C6. If the Planning Secretary agrees, a strategy, plan or program may be staged without addressing particular requirements of the relevant condition of this consent if those requirements are not applicable to the particular stage.

## NOTIFICATIONS

### Notification of Department

- C7. Prior to commencing the construction, operations, upgrading or decommissioning of the development or the cessation of operations, the Applicant 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 development are to be staged, then the Applicant 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

- C8. Prior to commencing construction, the Applicant must submit detailed plans of the final layout of the development to the Department via the Major Projects website, including:
- (a) a comparison to the approved layout and the final layout;
  - (b) details on siting of wind turbines, including micro-siting of any wind turbines and/or ancillary infrastructure (including wind monitoring masts);
  - (c) the GPS coordinates of the wind turbines; and
  - (d) showing comparison to the approved layout.

The Applicant must ensure that the development is constructed in accordance with the Final Layout Plans.

### Work as Executed Plans

- C9. Prior to commencing operations or following the upgrades of any wind turbines or ancillary infrastructure, the Applicant must submit work as executed plans of the development and showing comparison to the Final Layout Plans to the Planning Secretary, via the Major Projects website.

### Incident Notification

- C10. The Department must be notified via the Major Projects website portal immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development 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 8.

### Non-Compliance Notification

- C11. The Planning Secretary must be notified in writing via the Major Projects website within seven days after the Applicant becomes aware of any non-compliance.
- C12. A non-compliance notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- C13. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

### Notification of Landowners

- C14. Prior to the commencement of construction, the Applicant must notify the owners of any non-associated residence within 4.4 km of any approved wind turbine of their rights under condition B13 of Schedule 2.

## INDEPENDENT ENVIRONMENTAL AUDIT

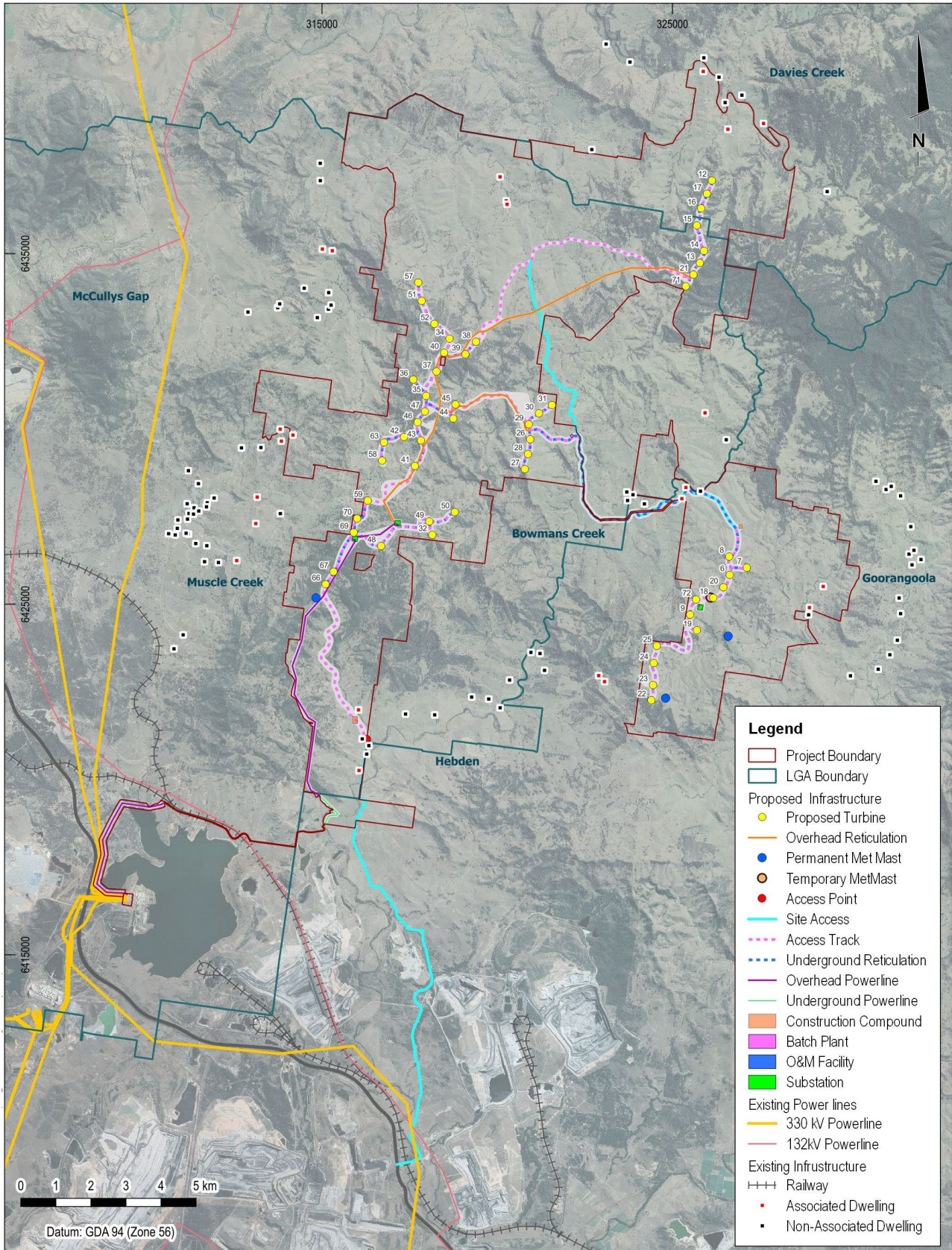
- C15. Independent Audits of the development must be conducted and carried out at the frequency described and in accordance with the *Independent Audit Post Approval Requirements (2020)*:
- (a) within 3 months of commencing construction; and
  - (b) within 3 months of commencement of operations.
- C16. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.
- C17. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified in condition C15 of Schedule 2 upon giving at least 4 weeks' notice to the Applicant of the date upon which the audit must be commenced.

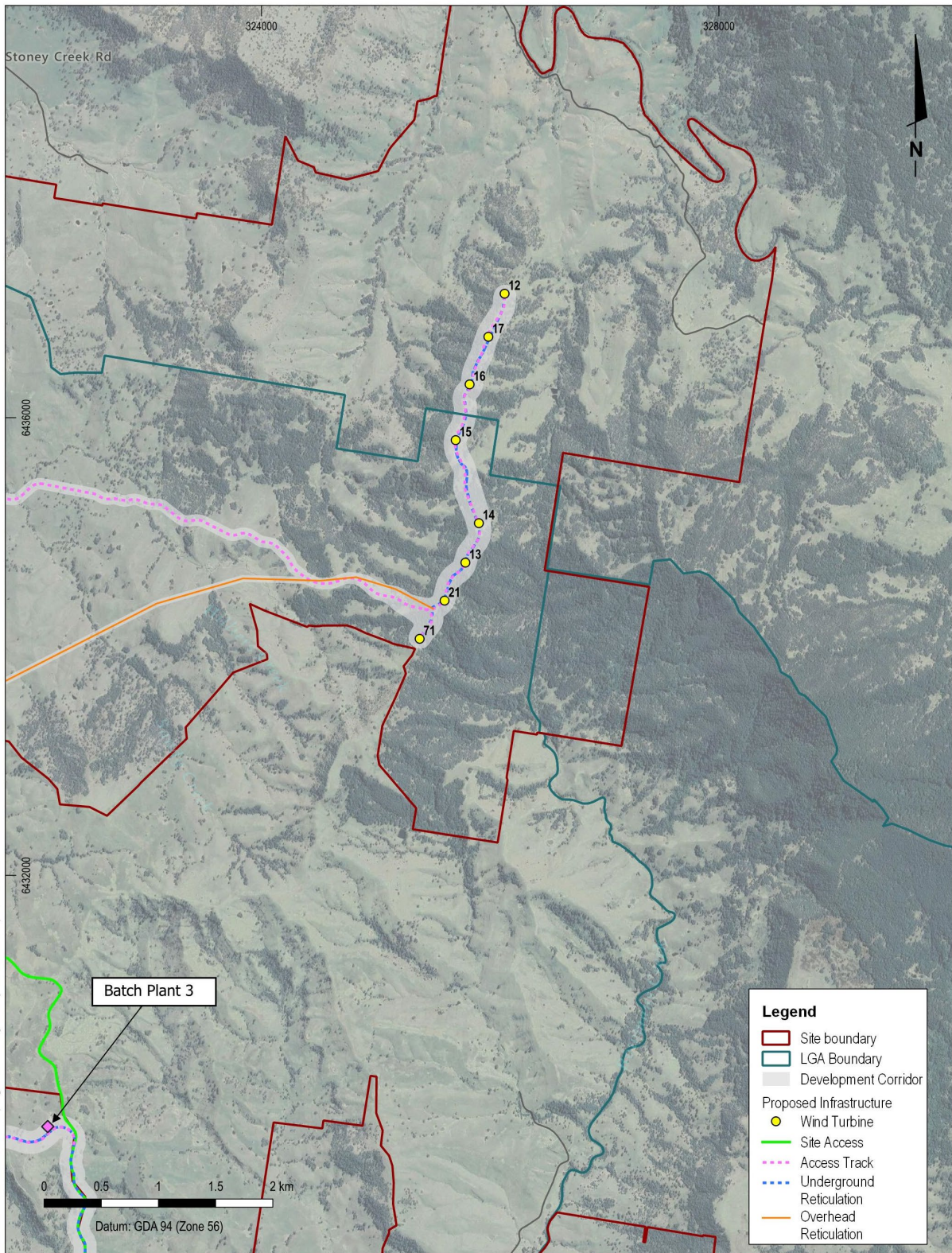
- C18. In accordance with the requirements in the *Independent Audit Post Approval Requirements (2020)*, the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under the conditions of this consent;
  - (b) submit the response to the Planning Secretary; and
  - (c) make each Independent Audit Report, and response to it, publicly available within 60 days of submission to the Planning Secretary, unless otherwise agreed by the Planning Secretary.
- C19. Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection as outlined in the *Independent Audit Post Approval Requirements (2020)* unless otherwise agreed by the Planning Secretary.
- C20. Notwithstanding the requirements of the *Independent Audit Post Approval Requirements (2020)*, the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that independent operational audits have demonstrated operational compliance.

#### **ACCESS TO INFORMATION**

- C21. The Applicant must:
- (a) make the following information publicly available on its website as relevant to the stage of the development:
    - (i) the EIS;
    - (ii) the Final Layout Plans for the development;
    - (iii) current statutory approvals for the development;
    - (iv) approved strategies, plans or programs required under the conditions of this consent (other than the Emergency Plan);
    - (v) the proposed staging plans for the development if the construction, operation and/or decommissioning of the development is to be staged;
    - (vi) a comprehensive summary of the monitoring results of the development, which have been reported in accordance with the various plans and programs approved under the conditions of this consent;
    - (vii) a complaints register, which is to be updated on a monthly basis;
    - (viii) how complaints about the development can be made;
    - (ix) minutes of CCC meetings;
    - (x) the annual Statement of Compliance with the EPL;
    - (xi) any independent environmental audit, and the Applicant's response to the recommendations in any audit; and
    - (xii) any other matter required by the Planning Secretary; and
  - (b) keep this information up to date.
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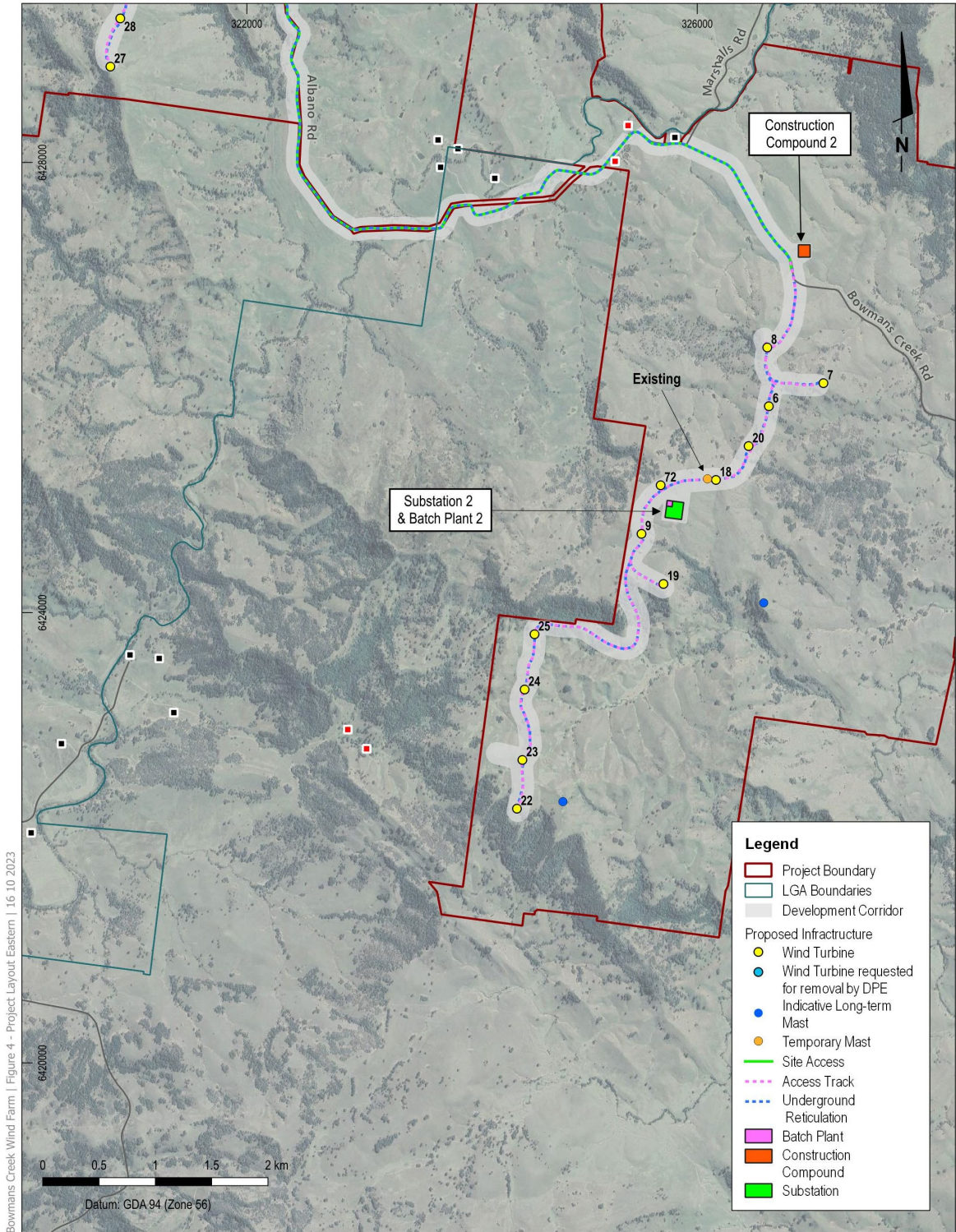
# APPENDIX 1 DEVELOPMENT LAYOUT





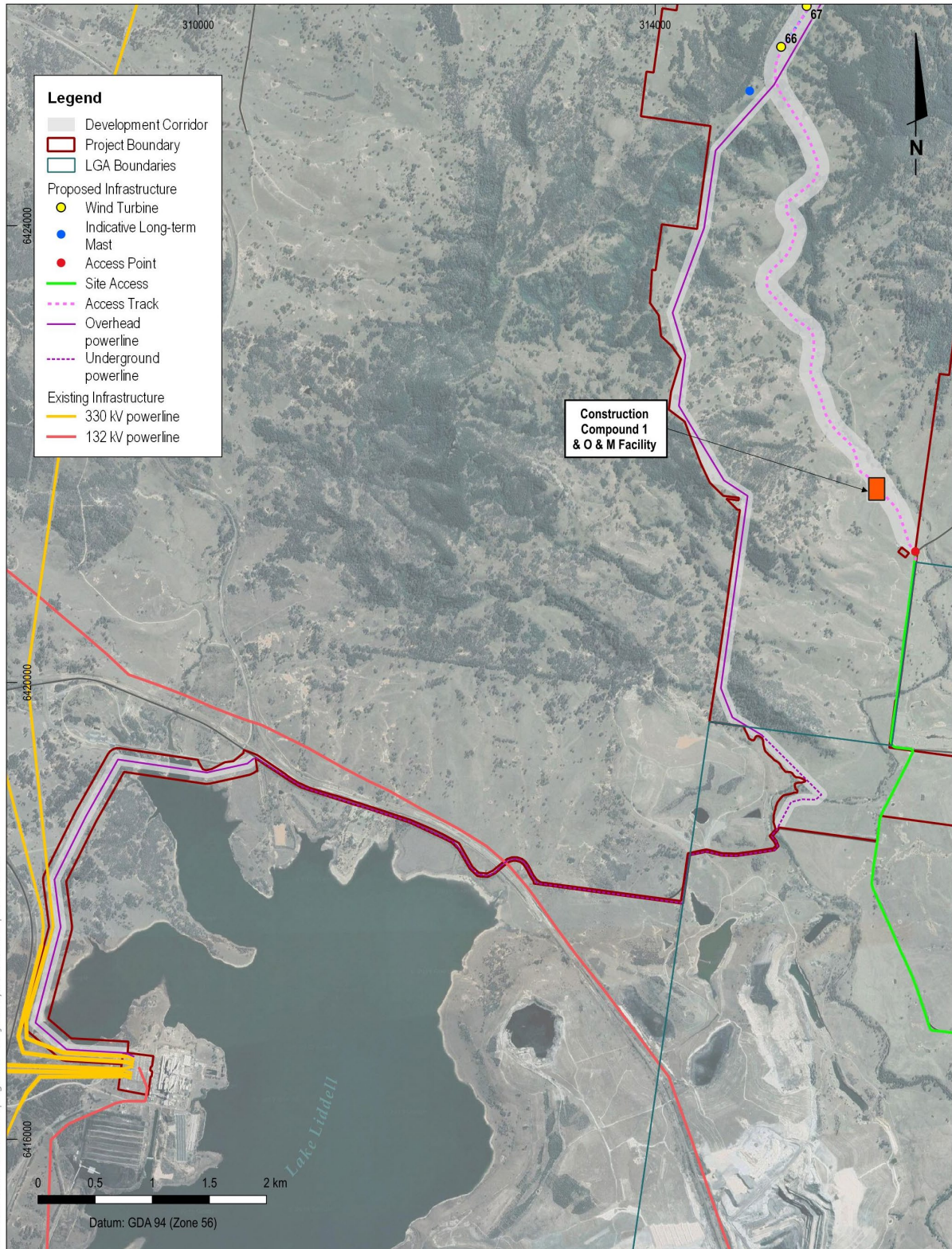
BOWMANS CREEK WIND FARM





BOWMANS CREEK WIND FARM

Source: Aerial ©2019 Google

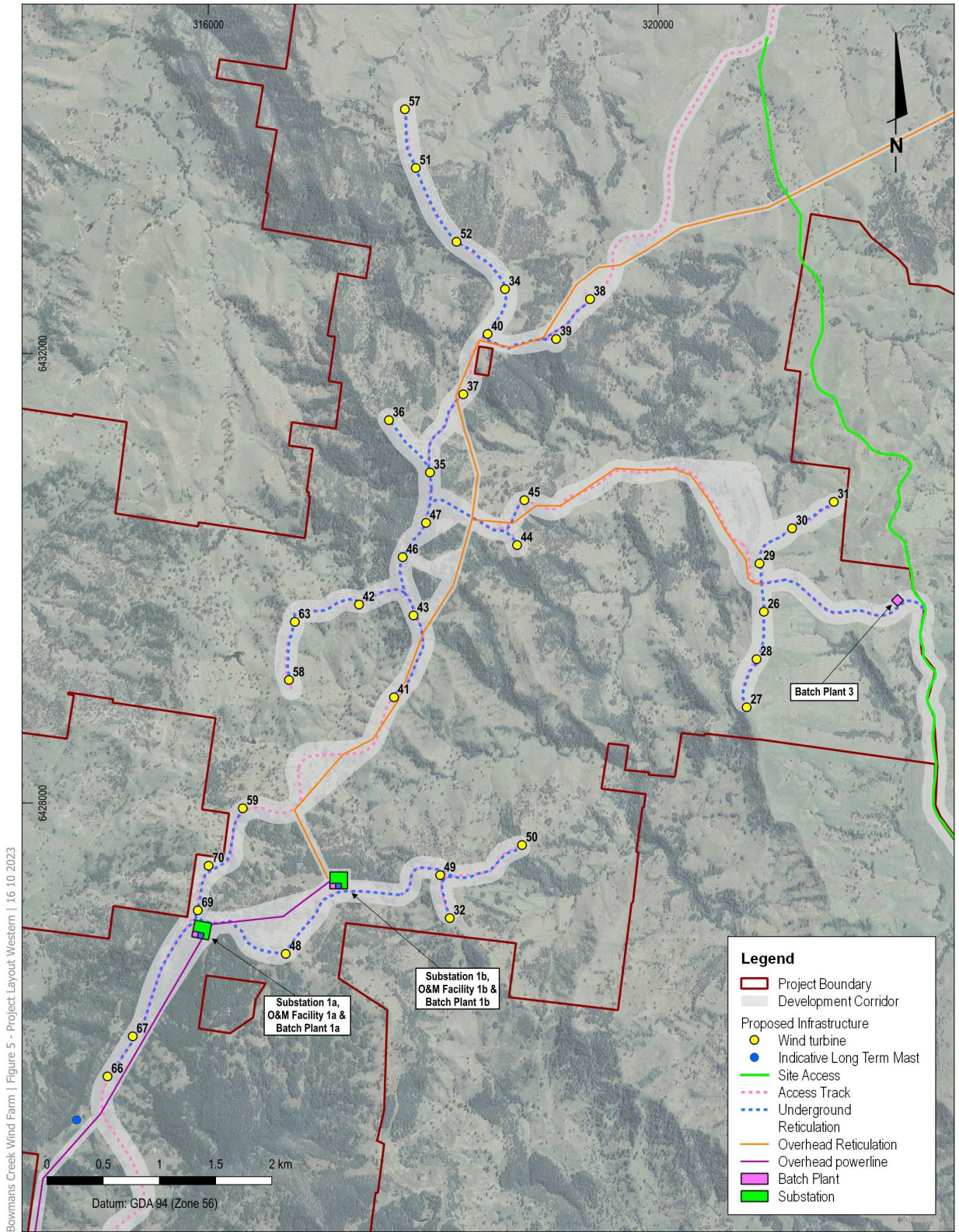


Bowmans Creek Wind Farm | Figure 6 - Project Layout Southern | 16.10.2023

BOWMANS CREEK WIND FARM



Updated Project Layout - Southern



Bowmans Creek Wind Farm | Figure 5 - Project Layout Western | 16 10 2023

BOWMANS CREEK WIND FARM



Updated Project Layout - Western

Table 1: Turbine Coordinates

<b>Wind Turbine</b>	<b>Easting</b>	<b>Northing</b>
6	326637	6425835
7	327122	6426040
8	326623	6426357
9	325506	6424701
12	326127	6437085
13	325784	6434734
14	325902	6435079
15	325699	6435805
16	325821	6436292
17	325985	6436708
18	326167	6425180
19	325701	6424256
20	326457	6425481
21	325602	6434402
22	324400	6422259
23	324448	6422692
24	324468	6423318
25	324556	6423809
26	320942	6429703
27	320789	6428853
28	320877	6429281
29	320903	6430132
30	321193	6430445
31	321564	6430681
32	318148	6426977
34	318639	6432574
35	317972	6430942
36	317607	6431408
37	318268	6431638
38	319396	6432485
39	319094	6432130
40	318485	6432174
41	317652	6428942

42	317341	6429767
43	317825	6429670
44	318747	6430296
45	318812	6430696
46	317729	6430189
47	317937	6430494
48	316689	6426659
49	318063	6427359
50	318791	6427627
51	317846	6433652
52	318208	6432995
57	317749	6434174
58	316718	6429096
59	316307	6427954
63	316770	6429613
66	315104	6425568
67	315328	6425925
69	315907	6427046
70	316003	6427443
71	325384	6434068
72	325676	6425133

RECC

## APPENDIX 2 SCHEDULE OF LANDS

*Table 1: Land identified by Lot Number and Deposited Plan*

<b>Lot Number / Deposit Plan</b>	<b>Lot Number / Deposit Plan</b>	<b>Lot Number / Deposit Plan</b>
1/1037682	118/752465	154/752465
1/1084779	119/752465	155/752444
1/1088686	12/752444	156/752444
1/1098856	12/752460	157/752444
1/1126279	12/752465	157/752486
1/127321	120/752465	158/752444
1/184469	121/752465	159/752444
1/247944	122/752465	160/752444
1/558324	123/752465	160/752465
1/925048	124/752465	161/752444
1/940488	127/752460	161/752460
1/971994	128/752460	161/752465
1/973976	13/752444	162/752444
1/974685	130/752460	162/752460
10/127321	131/752460	162/752465
100/752460	132/752460	162/752486
100/752465	134/752460	163/752444
101/1218648	135/752460	163/752465
101/752465	135/752465	163/752486
103/752460	136/752460	164/752444
104/752460	136/752465	164/752465
105/752444	137/752460	165/752444
105/752465	138/752460	165/752465
106/752465	145/752465	166/752465
107/752465	148/752460	167/752465
108/752460	148/752465	168/752465
109/752460	149/752465	169/752465
11/127321	150/752465	170/752465
11/752495	151/752465	171/752465
110/752460	152/752465	173/752444
112/752465	153/752465	177/752444
113/752465	154/752444	177/752465

<i>Lot Number / Deposit Plan (DP)</i>	<i>Lot Number / Deposit Plan (DP)</i>	<i>Lot Number / Deposit Plan (DP)</i>
181/752490	203/752465	25/752465
184/752460	204/752465	25/752486
185/752460	206/752444	250/752460
186/752444	21/752460	251/752460
186/752460	21/752465	252/752460
187/752444	215/752490	253/752460
188/752444	216/752460	255/752495
189/752444	219/752460	258/752495
19/752460	22/752460	26/241179
190/752444	22/752465	269/752460
191/752460	223/752460	27/241179
192/752460	227/752460	27/752460
194/752444	23/752460	270/752460
195/752444	23/752465	279/752460
195/752490	230/752462	28/241179
196/752444	230/752465	28/752444
197/752444	231/752465	280/752495
197/752465	232/752465	281/752460
198/752465	233/752465	282/752495
199/752444	234/752465	283/752460
2/1022827	237/752465	283/752495
2/1084779	238/752465	284/752460
2/1098856	239/752465	284/752495
2/1167323	24/752465	285/752460
2/127321	240/752460	285/752495
2/236869	240/752465	286/752460
2/567124	241/752460	286/752495
2/752465	241/752465	287/752460
20/752460	242/752460	287/752495
200/752465	242/752465	288/752495
201/752444	244/752460	29/241179
201/752465	25/752460	29/752444

<i>Lot Number / Deposit Plan (DP)</i>	<i>Lot Number / Deposit Plan (DP)</i>	<i>Lot Number / Deposit Plan (DP)</i>
290/752460	341/752465	48/752465
290/752495	35/752460	49/752460
296/752460	350/752460	49/752465
297/752460	351/752460	5/1098856
299/752495	36/752460	5/113759
3/1098856	37/752460	May-56
3/1105210	37/752465	5/752460
3/127321	372/703735	5/752465
3/511365	38/6842	50/752465
3/752465	38/752465	52/752460
3/856279	39/6842	54/752460
30/241179	39/752465	56/752460
30/752444	4/1098856	56/752465
30/752495	4/127321	6/113759
306/752444	4/856279	6/752460
306/752460	401/1122889	60/752460
308/752460	41/752465	60/752495
31/1156562	42/752444	62/752444
31/6842	42/752460	63/752444
31/752460	42/752465	63/752460
313/752444	43/752460	65/752460
313/752486	43/752465	7/113759
319/752444	44/752465	7/127321
32/752444	45/241179	74/752444
32/752495	45/752465	74/752460
324/752444	46/752460	76/752460
326/752444	47/752465	77/752460
327/752444	47/752490	78/752490
33/752465	47/752495	79/752460
34/6842	471/1240509	8/127321
34/752465	473/1240509	8/247944
340/752465	474/1240509	80/752460



<b>Lot Number / Deposit Plan (DP)</b>	<b>Lot Number / Deposit Plan (DP)</b>	<b>Lot Number / Deposit Plan (DP)</b>
81/752460	96/752465	1/151176
86/752465	97/752460	25/841160
87/752465	97/752465	2/38725
9/127321	98/752460	3/38725
9/752460	98/752465	4/38725
90/752465	99/752465	5/38725
91/752465	B/398697	12/825904
92/752465	2/1089438	9/38725
93/752460	2/534889	228/752470
94/752460	3/662944	352/867083
95/752460	5/1077004	352/867083
96/752460	5/1077004	355/867083

The land comprising the Site includes:

- any crown land and any road reserves contained within the boundary of the Site set out in the figures in Appendix 1; and
- any land which is required for the road upgrades is also specified in Appendix 5 and identified in Table 1: of this Appendix.

*Table 2: Land with no associated Lot Number and Deposited Plan – Identified by Latitude and Longitude*

<b>Council</b>	<b>Road</b>	<b>Start Point (Lat/Lon)</b>	<b>End Point (Lat/Lon)</b>
Singleton Shire Council	Bowmans Creek Rd	32.276° South	32.280° South
		145.128° East	145.129° East
	Scrumlo Road	32.347° South	32.354° South
		145.044° East	145.055° East
Muswellbrook Shire Council	Hebden Rd	32.354° South	23.441° South
		145.044° East	145.055° East
	Albano Rd	32.276° South	32.309° South
		151.128° East	151.100° East
Scrumlo Road	32.347° South	32.331° South	
	151.045° East	151.048° East	

### APPENDIX 3 GENERAL TERMS OF APPLICANT'S VPA OFFER

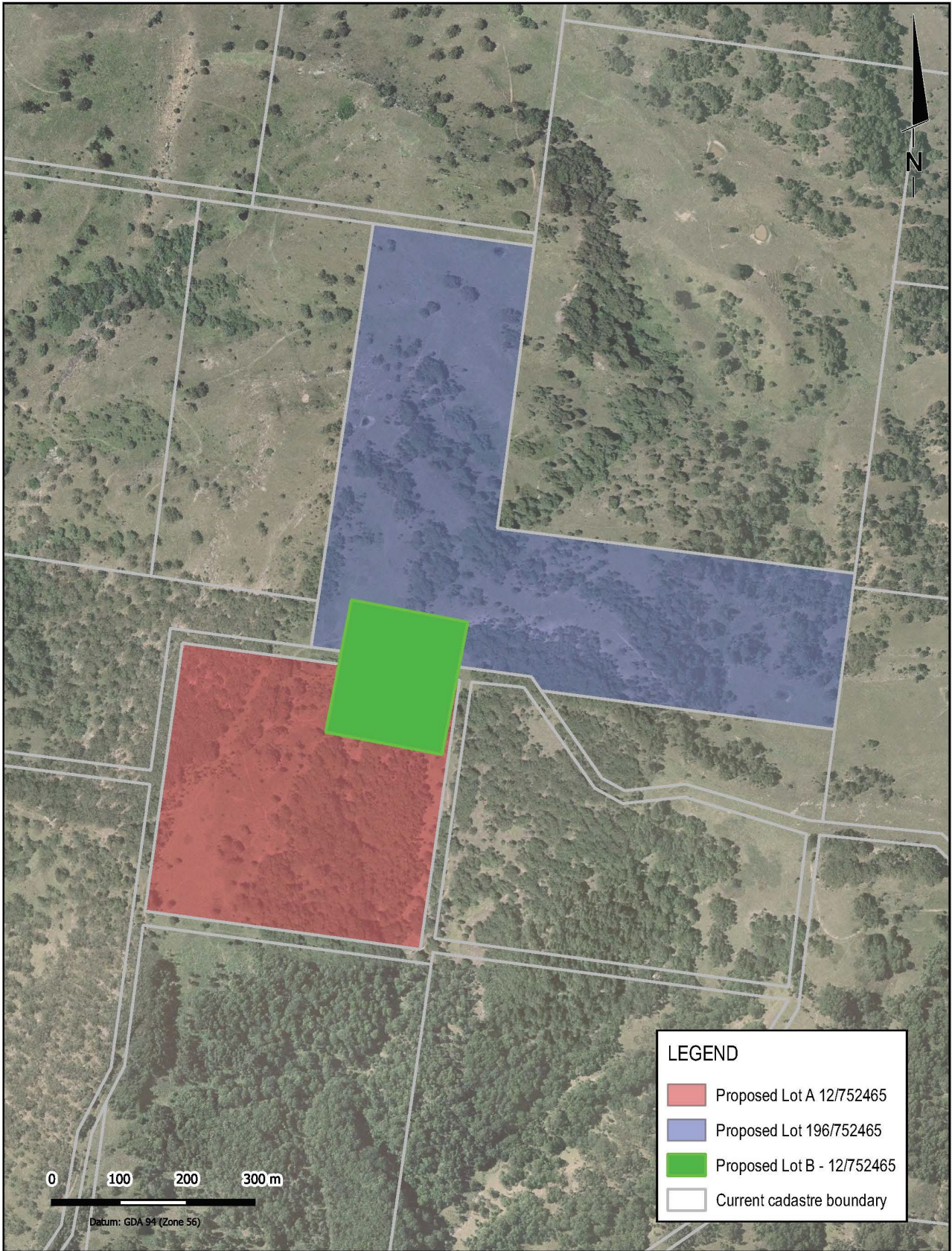
The VPA must include provisions for the payment, collection, management and distribution of the contributions under the agreement.

Table 1: General Terms of VPA

<b>Councils</b>	<b>Payment Details</b>
Muswellbrook Shire Council Singleton Council Upper Hunter Shire Council	<ul style="list-style-type: none"> <li>• The annual contribution payable by the Applicant is \$686 per megawatt (MW) installed per annum (adjusted annually to increases in CPI), within the relevant local government area over the operational life of development.</li> <li>• Should the turbine capacity exceed 5.6 MW per turbine, the quantum per MW would change.</li> <li>• Payments will commence when the development begins generation and will cease when the development is decommissioned.</li> <li>• CPI will be adjusted annually from 1 July commencing on the first anniversary of the operational date.</li> </ul>

RECOMMENDED

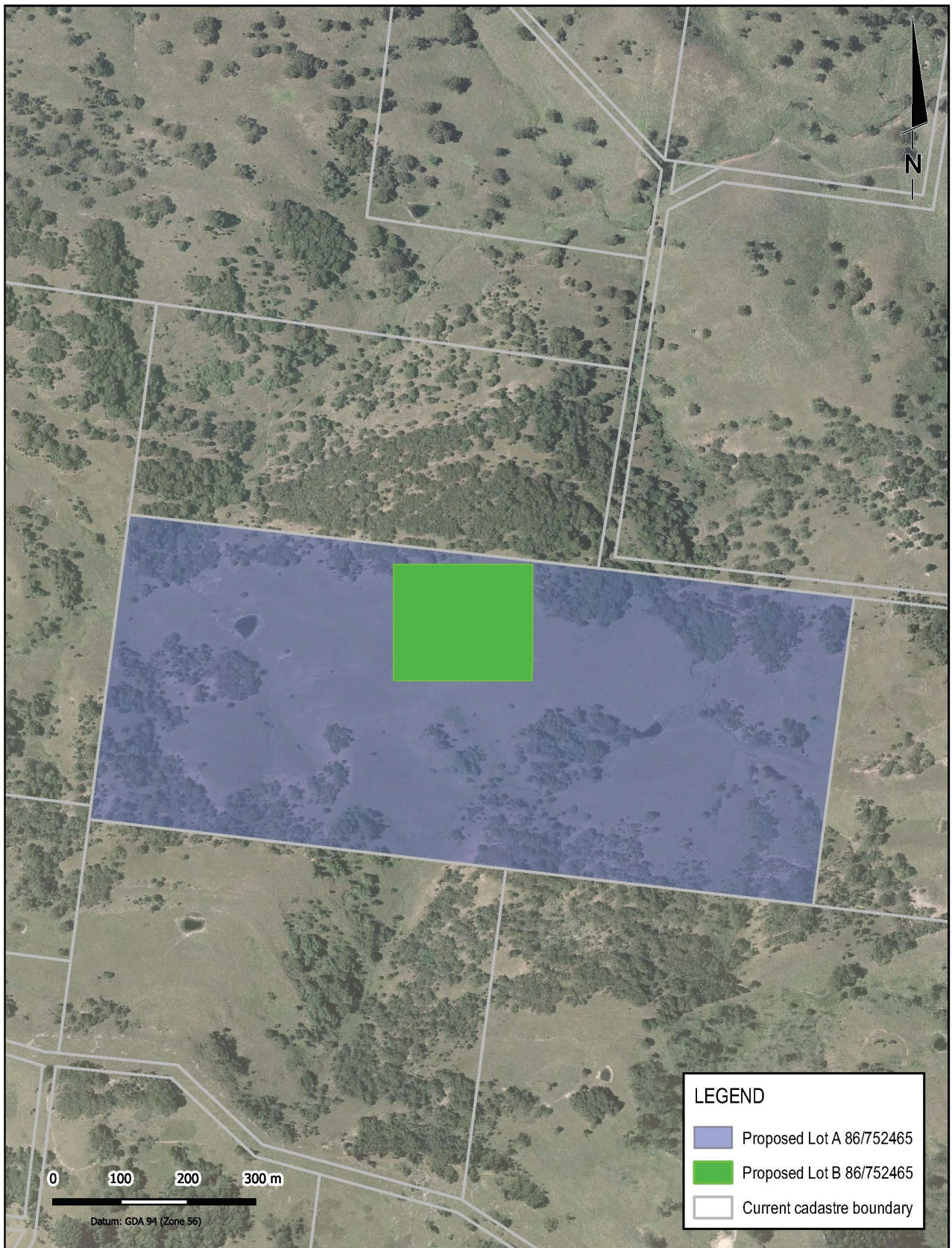
# APPENDIX 4 SUBDIVISION PLANS



## BOWMANS CREEK WIND FARM



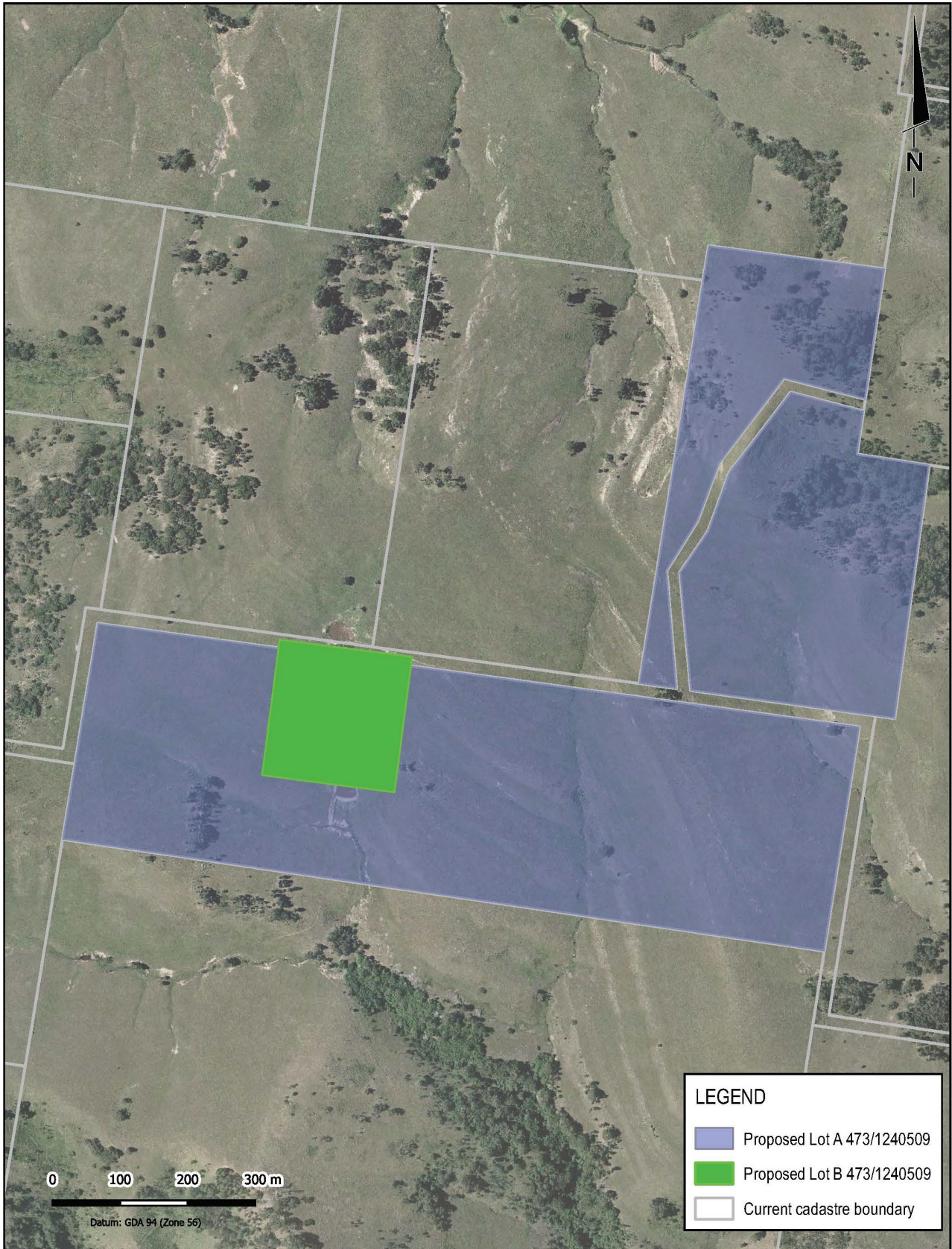
### Proposed Substation 1a Subdivision



**BOWMANS CREEK WIND FARM**



**Proposed Substation 1b  
Subdivision**



**BOWMANS CREEK WIND FARM**

**Proposed Substation 2  
Subdivision**



## APPENDIX 5 HAULAGE ROUTE AND ROAD UPGRADES

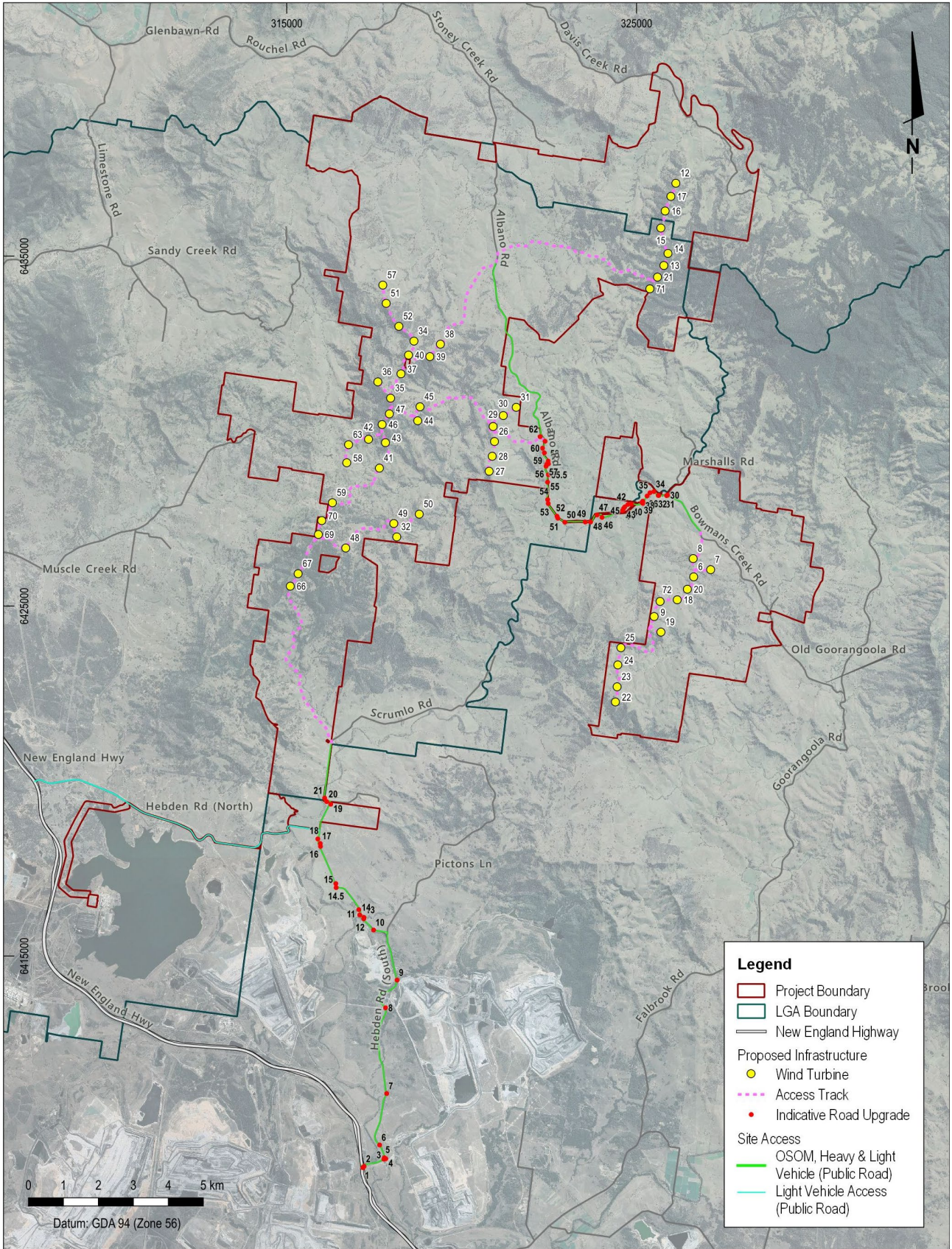


Table 1: Road upgrades

<b>Road</b>	<b>Location</b>	<b>Treatment</b>	<b>Timing</b>
<b>Roads Authority: Singleton Shire Council</b>			
Hebden Road (south)	0 – 11.55 km	As detailed in Table 1-1 of Appendix D of the Response to the Department's Request for Information, dated 1 September 2023.	Prior to construction
Scrumlo Road	0 – 1.06 km		Prior to construction
Bowmans Creek Road	7.4 – 3.2 km		Prior to construction within the south-eastern section of the site
<b>Roads Authority: Muswellbrook Shire Council</b>			
Scrumlo Road	1.06 – 1.70 km	As detailed in Table 1-1 of Appendix D of the Response to the Department's Request for Information, dated 1 September 2023.	Prior to construction
Albano Road	0 – 9.19 km		Prior to construction within the south-eastern section of the site

RECOMMENDED

## APPENDIX 6 BIODIVERSITY

Table 1: Clearing limits and offset liability for native vegetation

<b>Threatened ecological community*</b>	<b>BC Act</b>	<b>EPBC Act</b>	<b>Impact (hectares)</b>	<b>Ecosystem Credit Liability</b>
PCT 486 - River Oak riparian grassy tall woodland of the western Hunter Valley (Brigalow Belt South Bioregion and Sydney Basin Bioregion)	-	-	1.05	26
PCT 618 - White Box x Grey Box - red gum - Rough-barked Apple grassy woodland on rich soils on hills in the upper Hunter Valley	CE	CE	178.59	1796
PCT 618 - White Box x Grey Box - red gum - Rough-barked Apple grassy woodland on rich soils on hills in the upper Hunter Valley	-	-	2.03	83
PCT 1071 - Phragmites australis and Typha orientalis coastal freshwater wetlands of the Sydney Basin Bioregion	-	-	0.40	12
PCT 1541 - Whalebone Tree - Red Kamala dry subtropical rainforest of the lower Hunter River	V		1.40	470
PCT 1583 - Thin-leaved Stringybark - Grey Gum - Broad-leaved Apple shrub - grass tall open forest on ranges of the lower North Coast	-	-	4.80	157
PCT 1584- White Mahogany - Spotted Gum - Grey Myrtle semi-mesic shrubby open forest of the central and lower Hunter Valley	-	-	27.86	825
PCT 1602 - Spotted Gum - Narrow-leaved Ironbark shrub - grass open forest of the central and lower Hunter	-	CE	7.79	240
PCT 1603- Narrow-leaved Ironbark - Bull Oak - Grey Box shrub - grass open forest of the central and lower Hunter	E	CE	1.93	62
PCT 1604- Narrow-leaved Ironbark - Grey Box - Spotted Gum shrub - grass woodland of the central and lower Hunter	E	CE	11.66	395
PCT 1607 - Blakely's Red Gum - Narrow- leaved Ironbark - Rough-barked Apple shrubby woodland of the upper Hunter	-	-	1.70	38
PCT 1608 - Grey Box - Grey Gum - Rough- barked Apple - Blakely's Red Gum grassy open forest of the central Hunter	CE	CE	36.95	1647
PCT 1683 - Silvertop Stringybark - Tussock Grass grassy open forest of the Northern Tablelands escarpment and Barrington Tops	-	-	1.72	59
PCT 1691 - Narrow-leaved Ironbark - Grey Box grassy woodland of the central and upper Hunter	E	CE	1.48	52
PCT 1692 - Bull Oak grassy woodland of the central Hunter Valley	E	-	0.07	1
PCT 1731 - Swamp Oak – Weeping Grass grassy riparian forest of the Hunter Valley	-	-	0.88	10



Table 2: Clearing limits and offset liability for threatened flora species

<b>Species</b>		<b>BC Act</b>	<b>EPBC Act</b>	<b>Impact (hectares)</b>	<b>Species Credit Liability</b>
<i>Acacia bynoeana</i>	Bynoe's Wattle	E	V	6.16	213
<i>Acacia pendula</i>	-	E	-	0	0
<i>Asperula asthenes</i>	Trailing Woodruff	V	V	1.93	62
<i>Callistemon linearifolis</i>	Netted Bottle Brush	V	-	6.25	974
<i>Cynanchum elegans</i>	White-flowered Wax Plant	E	E	42.85	1,611
<i>Diuris tricolor</i>	Pine Donkey Orchid	V	-	9.57	246
<i>Eucalyptus glaucina</i>	Slaty Red Gum	V	V	9.66	966
<i>Grevillea parviflora subsp. Parviflora</i>	Small-flower Grevillea	V	V	8.18	278
<i>Monotaxis macrophylla</i>	Large-leafed Monotaxis	E	-	8.09	275
<i>Ozothamnus tessellatus</i>	-	V	V	6.16	160
<i>Pomaderris queenslandica</i>	Scant Pomaderris	E	-	39.19	1374
<i>Prasophyllum petilum</i>	Tarengo Leek Orchid	E	E	7.64	265
<i>Prostanthera cineolifera</i>	Singleton Mint Bush	V	V	6.16	213
<i>Pterostylis chaetophora</i>	-	V	-	11.56	397
<i>Pterostylis gibbose</i>	Illawarra Greenhood	E	E	1.93	62
<i>Pterostylis gibbose</i>	Illawarra Greenhood	E	E	0	0
<i>Rhodamnia rubescens</i>	Scrub Turpentine	CE	CE	0	0
<i>Rutidosis heterogama</i>	Heath Wrinklewort	V	V	6.25	216
<i>Senna acclinis</i>	Rainforest Cassia	E	-	0.63	24
<i>Thesium austral</i>	Austral Toadflax	V	V	13.59	343

Table 3: Clearing limits and offset liability for threatened fauna species

<b>Species</b>		<b>BC Act</b>	<b>EPBC Act</b>	<b>Impact (hectares)</b>	<b>Species Credit Liability</b>
<i>Chalinolobus dwyeri</i>	Large Eared Pied Bat	V	V	0.18	12
<i>Phascogale tapoatafa</i>	Brush-tailed Phascogale	V	-	20.82	732

## APPENDIX 7 HERITAGE ITEMS

Table 1: Aboriginal Heritage items – avoid impacts

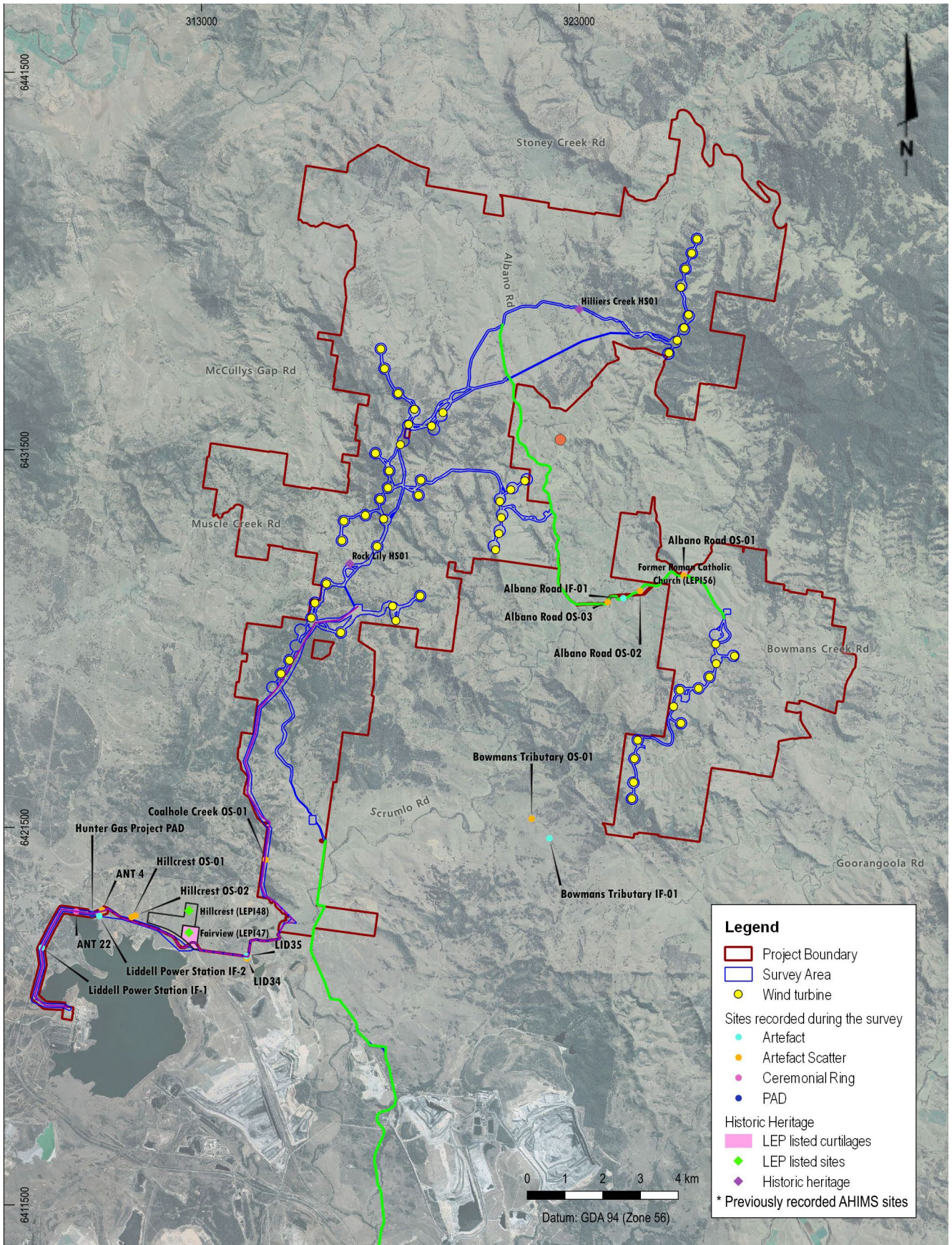
<b>AHIMS ID / Site Name</b>
37-3-1592 / Liddell Hebden Road OS-01 (isolated find)
37-3-1593 / Liddell Hebden Road IF-01 (isolated find)
37-3-1587 / Albano Road OS-01 (artefact scatter)
37-3-1590 / Albano Road IF-01 (isolated find)
37-3-1595 / Bowmans Tributary OS-01 (artefact scatter and PAD)
37-3-1596 / Bowmans Tributary IF-01 (artefact scatter)
37-2-2021 / ANT 4 (artefact scatter)
37-2-6043 / Hillcrest OS-01 (artefact scatter)
37-2-6044 / Hillcrest OS-02 (artefact scatter)
37-2-6541 / Liddell Power Station-IF2 (isolated find)

Table 2: Aboriginal Heritage items – avoid, minimise and / or salvage

<b>AHIMS ID / Site Name</b>
37-3-1588 / Albano Road OS-02 (artefact scatter and PAD)
37-3-1589 / Albano Road OS-03 (artefact scatter and PAD)
37-3-1594 / Coalhole Creek OS-01 (artefact scatter)
37-3-1632 / Sandy Creek IF-1 (isolated find)
37-3-1633 / Sandy Creek IF-2 (isolated find)
37-2-2072 / ANT 22 (ceremonial ring)
37-2-2029 / Hunter Gas Project PAD
37-2-6263 / Liddell Power Station-IF1 (isolated find)

Table 3: Historic Heritage items – avoid impacts

<b>Item Name</b>
Rock Lily Gully HS01 (grave site)
Hilliers Creek HC01 (farm house ruin)
Former Roman Catholic Church and curtilage (1156) listed on <i>Single Local Environment Plan 2013</i>
Fairview and Hillcrest Homesteads listed under <i>Muswellbrook Local Environment Plan 2009</i>



**Legend**

- Project Boundary
- Survey Area
- Wind turbine

Sites recorded during the survey

- Artefact
- Artefact Scatter
- Ceremonial Ring
- PAD

Historic Heritage

- LEP listed curtilages
- ◆ LEP listed sites
- ◆ Historic heritage

\* Previously recorded AHIMS sites

## APPENDIX 8 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 Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition C10 of Schedule 2 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 applicant became aware of the incident;
  - (e) identify any actual or potential non-compliance with conditions of consent;
  - (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 project 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 Applicant 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.