

# Concept Approval

## Section 75O of the *Environmental Planning and Assessment Act 1979*

- I, the Minister for Planning, under the *Environmental Planning and Assessment Act 1979* determine:
- to approve the concept plan referred to in Schedule 1, subject to the conditions in Schedule 2;
  - pursuant to section 75P(1)(c) of the *Environmental Planning and Assessment Act 1979*, that stage 1 of the Silverton Wind Farm Project requires no further environmental assessment;
  - pursuant to section 75P(1)(a) of the *Environmental Planning and Assessment Act 1979*, that stage 2 of the Silverton Wind Farm Project requires further environmental assessment under Part 3A of the Act;



The Hon. Kristina Keneally MP  
Minister for Planning

Sydney

24 / May

2009

File No: S07/01462

### SCHEDULE 1

- Application No:** 08\_0022
- Proponent:** Silverton Wind Farm Developments Pty Ltd
- Approval Authority:** Minister for Planning
- Land:** The Silverton Wind Farm site is to be located in the Barrier Ranges, with its south western boundary approximately 3.5 kilometres north of Silverton and approximately 25 kilometres northwest of Broken Hill. Site infrastructure (including turbines, electrical connections and maintenance facilities) would be concentrated on the Mundi Mundi Range and Mount Robe Range.
- Proposal:** Silverton Wind Farm
- Major Project:** The project is development described in Schedule 1 of the State Environmental Planning Policy (Major Projects) 2005 – namely clause 24(a) being “development for the purposes of electricity generation that has a capital investment value of more than \$30 million” and is thus declared to be a project to which Part 3A of the Environmental Planning and Assessment Act 1979 (the Act) applies for the purpose of section 75B of that Act.
- Concept Plan Authorisation:** On 23 January 2008, the then Minister for Planning authorised the submission of a concept plan for the proposal.
- Critical Infrastructure:** The project is a critical infrastructure project under section 75C of the *Environmental Planning and Assessment Act 1979* by virtue of an Order made by the Minister for Planning on 26 February 2008 with respect to certain electricity generating facilities with the capacity to generate at least 250 megawatts. The project for which approval has been sought relates to an energy generating project.

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## SCHEDULE 2

<b>Act, the</b>	<i>Environmental Planning and Assessment Act, 1979</i>
<b>Conditions of Approval</b>	The Minister's conditions of approval for the project.
<b>Council</b>	Broken Hill Shire Council and Wentworth Shire Council
<b>DECC</b>	Department of Environment and Climate Change
<b>Department, the</b>	Department of Planning
<b>Director-General, the</b>	Director-General of the Department of Planning (or delegate).
<b>Director-General's Approval</b>	<p>A written approval from the Director-General (or delegate).</p> <p>Where the Director-General's Approval is required under a condition the Director-General will endeavour to provide a response within one month of receiving an approval request. The Director-General may ask for additional information if the approval request is considered incomplete. When further information is requested the time taken for the Proponent to respond in writing will be added to the one month period.</p>
<b>Director-General's Report</b>	The report provided to the Minister by the Director-General of the Department under section 75l of the EP&A Act.
<b>EA</b>	<i>Environmental Assessment for the Proposed Silverton Wind Farm</i> , prepared by nghenvironmental and dated August 2008.
<b>Minister, the</b>	Minister for Planning
<b>Proponent</b>	Silverton Wind Farm Developments Pty Ltd
<b>Publicly Available</b>	Available for inspection by a member of the general public (for example available on an internet site or at a display centre).
<b>Site</b>	Land to which Stage 2 of the project applies.
<b>Stage 1 of the Silverton Wind Farm Project</b>	Construction and operation of 282 WTG and associated infrastructure, including an approximately 24 kilometre long power line from the proposed wind farm to Broken Hill in New South Wales.
<b>Stage 2 of the Silverton Wind Farm Project</b>	Construction and operation of the remaining 316 WTG and associated infrastructure, including an approximately 300 kilometre long power line from Site to Red Cliffs in Victoria.
<b>Submissions report</b>	<i>Preferred Project and Submissions Report, Silverton Wind Farm Developments</i> , prepared by Silverton Wind Farm Developments with the assistance of nghenvironmental, dated January 2009.
<b>WTG</b>	Wind Turbine Generator

## 1. ADMINISTRATIVE CONDITIONS

### Terms of Concept Approval

- 1.1 The Proponent shall carry out the project generally in accordance with the:
  - a) 08\_0022 Major Projects Application;
  - b) *Environmental Assessment for the Proposed Silverton Wind Farm*, prepared by nghenvironmental and dated August 2008;
  - c) *Preferred Project and Submissions Report, Silverton Wind Farm Developments*, prepared by Silverton Wind Farm Developments with the assistance of nghenvironmental, dated January 2009;
  - d) *Proposed Silverton Wind Farm, Revised Statement of Commitments*, prepared by Epuron Pty Ltd and dated 17 March 2009; and
  - e) the conditions of this approval.
- 1.2 In the event of an inconsistency between:
  - a) the conditions of this approval and any document listed from condition 1.1a) and 1.1d) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
  - b) any document listed from condition 1.1a) and 1.1d) inclusive, and any other document listed from condition 1.1a) and 1.1d) inclusive, the most recent document shall prevail to the extent of the inconsistency.
- 1.3 If there is any inconsistency between this concept approval and any project approval granted for the project, this concept approval shall prevail to the extent of the inconsistency.

## 2. PROJECT APPLICATION AND SPECIFIC REQUIREMENTS

### Stage 1 Development (First 282 WTGs)

- 2.1 The construction and operation of the first 282 WTGs and associated infrastructure (stage 1) requires no further environmental assessment and is the subject of a separate instrument of approval.

### Stage 2 Development (Remaining 316 WTGs and Transmission Line)

- 2.2 Pursuant to section 75P(1)(a) of the *Environmental Planning and Assessment Act 1979*, the following environmental assessment requirements apply with respect to the stage 2 development (construction and operation of the remaining 316 WTGs and infrastructure):
  - a) a detailed project-specific Statement of Commitments, consistent with the Statement of Commitments prepared for the concept plan, with a clear indication of any new or amended commitments relating to the project;
  - b) a demonstration that the project is consistent with the requirements of this approval and generally consistent with the scope and intent of the concept outlined in the documents under condition 1.1 of this approval;
  - c) a alignment sheet for the transmission line identifying the final corridor and demonstrating the avoidance and/or minimisation of all adverse environmental impacts;
  - d) clear description and location of road and access tracks;
  - e) description and location of all Stage 2 project components, ancillary facilities and relevant buffer distances;
  - f) consideration of the geology and mineral prospectivity of the project area and identify where conflicts with current or future exploration and mining activities may occur, to inform the determination of the final location of the project components;
  - g) a demonstration that Country Energy have been consulted with so as to minimise the any potential impacts from the project on Country Energy's assets;
  - h) a demonstration that NSW DPI-Mineral Resources and relevant holders of exploration and mining licences that may be potentially impacted by the project have been consulted with, so as to minimise the potential for any sterilisation of resources and restriction on exploration within the applicable tenements over the project area;
  - i) a complete project level **Aboriginal Heritage Assessment**, including conducting appropriate field surveys, of the potential impacts to Aboriginal heritage values and objects and the proposed mitigation measures in accordance with the Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (DEC, 2005);
  - j) a complete project level **Non Indigenous Heritage Assessment**, including conducting appropriate field surveys, of the potential impacts to non indigenous heritage values and

objects and proposed mitigation measures. The assessment shall be undertaken in accordance with the updated guidelines in the NSW Heritage Manual and a Statement of Heritage Impact prepared. This assessment must be prepared in consultation with the Heritage Council of NSW and any other relevant authority;

- k) a complete project level **Flora and Fauna Assessment**, which must include field survey work informed by the Biodiversity Constraints Technical Report desktop assessment contained in the EA and evaluate all threatened and endangered species of plant and animal that have the potential to be adversely impacted by the project;
- l) an updated **Noise Impact Assessment**, including both construction and operation noise. The operation noise assessment must be prepared in accordance with the South Australian Environment Protection Authority's *Wind Farms - Environmental Noise Guidelines (2003)* and relevant guidelines, including use of monitoring data from operation of stage 1 of the development, as relevant;
- m) Updated details of the traffic and road impacts from the construction of the transmission line, including access routes and measures to minimise adverse implications on local traffic and human amenity. Potential for corona noise impacts from the transmission line must also be considered.
- n) A complete **Visual Impact Assessment** of the proposed **transmission line** and associated substations, focusing on the visual impacts on residences, motorists and rail passengers during the operational stage of the transmission line;
- o) An updated assessment of land use impacts including potential impacts (and mitigation measures) on property values, development opportunities, agriculture and mineral resources; and
- p) A analysis of the lifecycle energy use of the WTGs and the transmission line.

2.2.1 During the process of finalising the turbine layout and transmission line alignment, the Proponent shall ensure consultation with relevant companies and titleholders of exploration and mining licences in relation to the potential for conflict between the WTG layout and transmission line route of the project and current and future resource exploration and extraction activities. The consultation shall aim to resolve any identified potential conflict where practicable.

### 3. COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

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

#### Provision of Electronic Information

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

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

#### Community Information Plan

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

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

### Complaints Procedure

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

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

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

3.5 The Proponent shall record details of all complaints received through the means listed under condition 3.4 of this approval in an up-to-date Complaints Register. The Register shall record, but not necessarily be limited to:

- a) the date and time, where relevant, of the complaint;
- b) the means by which the complaint was made (telephone, mail or email);
- c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
- d) the nature of the complaint;
- e) any action(s) taken by the Proponent in relation to the complaint, including any follow-up contact with the complainant; and
- f) if no action was taken by the Proponent in relation to the complaint, the reason(s) why no action was taken.

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

### Community Enhancement Program

3.6 Prior to the commencement of construction of the project, the Proponent shall prepare and submit for the approval of the Director-General, a **Community Enhancement Program** to fund (or provide in kind) community infrastructure and services in the locality of the project. The Proponent shall establish a fund for the purposes of implementing the Community Enhancement Program. In preparing the Program and determining the fund, the Proponent shall consult with the Council and local community representatives.

## 4. COMPLIANCE MONITORING AND TRACKING

### Compliance Tracking Program

4.1 Prior to the commencement of construction, the Proponent shall develop and implement a **Compliance Tracking Program** for the project, to track compliance with the requirements of this concept approval, the related project approval and during the construction and operation of the project and shall include, but not necessarily limited to:

- a) provisions for an Annual Environmental Management Report (AEMR) that is to be prepared and submitted to the Director-General throughout the operational life of the project. The AEMR must review the performance of the project against the Operational Environmental management Plan, the conditions of this approval and other licences and approvals relating to the project.
- a) provisions for periodic reporting of the compliance status to the Director-General including at least prior to the commencement of construction of the project and prior to the commencement of operation of the project;
- b) a program for independent environmental auditing in accordance with *AS/NZ ISO 19011:2003 - Guidelines for Quality and/or Environmental Management Systems Auditing*;
- c) procedures for rectifying any non-compliance identified during environmental auditing or review of compliance;
- d) mechanisms for recording environmental incidents and actions taken in response to those incidents;
- e) provisions for reporting environmental incidents to the Director-General during construction and operation; and
- f) provisions for ensuring all employees, contractors and sub-contractors are aware of, and comply with, the conditions of this approval relevant to their respective activities.

## **5. ENVIRONMENTAL REPORTING**

### **Incident Reporting**

- 5.1 The Proponent shall notify the Director-General of any incident with actual or potential significant off-site impacts on people or the biophysical environment within 12 hours of becoming aware of the incident. The Proponent shall provide full written details of the incident, including demonstration that it has notified the appropriate owner of any assets which have been impacted from the incident, to the Director-General within seven days of the date on which the incident occurred.
- 5.2 The Proponent shall meet the requirements of the Director-General to address the cause or impact of any incident, as it relates to this approval, reported in accordance with condition 5.1 of this approval, within such period as the Director-General may require.