



## Approval

### Boco Rock wind farm, south west of Nimmitabel, NSW EPBC Ref 2009/4905

This decision is made under sections 130(1) and 133 of the *Environment Protection and Biodiversity Conservation Act 1999*.

#### Proposed action

person to whom the approval is granted

Boco Rock Wind Farm Pty Ltd

proponent's ACN (if applicable)

137 886 750

proposed action

The construction and operation of a wind farm comprising up to 122 wind turbines, approximately 6km south west of Nimmitabel and 30km north of Bombala, as described in the referral documentation received on 20 May 2009, the Environmental Assessment Report dated November 2009, the Preferred Project Report and Response to Submissions dated May 2010.

#### Approval decision

Controlling Provision	Decision
Listed threatened species and communities (sections 18 & 18A)	Approved

#### conditions of approval

This approval is subject to the conditions specified below.

#### expiry date of approval

This approval has effect until 31 December 2039.

#### Decision-maker

name and position

Michelle Wicks  
Assistant Secretary  
Environment Assessment Branch

signature

date of decision

29/9/2010



**Approval conditions:**

1. The person undertaking the action must carry out the action in accordance with the following documents: Boco Rock Wind Farm Major Projects Application 09-0103, Environment Assessment dated November 2009, Preferred Project Report and Response to Submissions dated May 2010, NSW Director General's Assessment Report and approval conditions (June 2010), and the conditions of this approval. In the event of any inconsistencies, the conditions of this approval prevail to the extent of the inconsistency.
2. Prior to any **Works** commencing, the person undertaking the action must enter into a NSW bio-banking agreement to secure the **Offset Package**. The NSW bio-banking agreement must be registered on title and include satisfactory measures for the protection and management of the **Offset Sites**. The NSW bio-banking agreement must be approved by the **Minister** prior to the **Commencement of the Action** and prior to it being registered on title.
3. In order to minimise potential impacts on the **EPBC Act** listed Grassland Earless Dragon and Striped Legless Lizard, in accordance with the NSW Director General's Assessment Report and approval conditions (June 2010) and the Statement of Commitments contained in the Preferred Project Report and Response to Submissions (May 2010), the person undertaking the action must ensure that **Works** are not undertaken at the Springfield and Sherwins turbine clusters during the breeding season (1 November to 31 January) for these species.
4. In order to minimise potential impacts on **EPBC Act listed threatened species and communities**, prior to any **Works** commencing and in accordance with the NSW Director General's Assessment Report and approval conditions (June 2010) and the Statement of Commitments contained in the Preferred Project Report and Response to Submissions (May 2010), the person undertaking the action must develop and implement a Construction Environmental Management Plan (CEMP), which must include but not be limited to:
  - a) Flora and fauna management
  - b) Weed management
  - c) Sediment and erosion control
  - d) Bushfire management
  - e) Habitat corridors and linkages

The final version of this plan must be submitted to the **Minister** for approval no later than 1 month prior to any **Works** commencing. The approved plans must be implemented.
5. Within 18 months of the **Cessation of Operation of the Action**, the person undertaking the action must submit a decommissioning plan to the **Minister** for approval. The person taking the action must have consideration to matters protected under the **EPBC Act** at this time and ensure that these matters will not be significantly impacted by the decommissioning. Decommissioning must not commence until or unless the **Minister** has approved the decommissioning plan.
6. If at any time the NSW Director General's Assessment Report and approval conditions (June 2010) are modified, the person undertaking the action must notify the **Department** in writing of the actual date of the modification.
7. Within 10 days of **Commencement of the Action**, the person undertaking the action must advise the Department in writing of the actual date of commencement.



8. Within three months of every 12 month anniversary of the **Commencement of the Action**, the person undertaking the action must provide a report to the **Department** demonstrating compliance with the conditions of this approval over the previous 12 months. This report must include details of how the CEMP required by the conditions of this approval has been implemented. Annual reports must be provided until the **Minister** is satisfied that the person undertaking the action has complied with all conditions of the approval.
9. Within three months of every 12 month anniversary following the **Cessation of Operation of the Action**, the person undertaking the action must provide a report to the **Department** demonstrating compliance with the Decommissioning Plan required by the conditions of this approval and how it has been implemented. Annual reports must be provided until the **Minister** is satisfied that the person undertaking the action has complied with all conditions of the approval.
10. Upon the direction of the **Minister**, the person undertaking the action must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the **Minister**. The independent auditor must be approved by the **Minister** prior to the commencement of the audit. Audit criteria must be agreed to by the **Minister** and the audit report must address the criteria to the satisfaction of the **Minister**.
11. If the person undertaking the action wishes to carry out any activity otherwise than in accordance with the CEMP and the Decommissioning Plan referred to in the conditions of this approval, the person undertaking the action must submit for the **Minister's** approval a revised version of any such plan. The varied activity shall not commence until the **Minister** has approved the varied plan in writing. If the **Minister** approves such a revised plan, that plan must be implemented in place of the plan originally approved.
12. If the **Minister** believes that it is necessary or desirable for the better protection of *listed threatened species and communities* to do so, the **Minister** may request that the person undertaking the action make specified revisions to the plans approved pursuant to the conditions of this approval and submit the revised plan for the **Minister's** approval. The person undertaking the action must comply with any such request. The revised approved plan must be implemented. Unless the **Minister** has approved the revised plan, then the person taking the action must continue to implement the plan originally approved.
13. If, at any time after five years from the date of this approval, the person undertaking the action has not commenced the action, then the person undertaking the action must not commence the action without the written consent of the **Minister**.
14. The person undertaking the action must maintain accurate records substantiating all activities associated with or relevant to the above conditions of approval, including measures taken to implement the management plans required by this approval, and make them available upon request to the **Department**. Such records may be subject to audit by the **Department** or an independent auditor in accordance with section 458 of the **EPBC Act**, or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the **Department's** website. The results of audits may also be publicised through the general media.



**Definitions:**

**Commencement of the Action:** Commencement of any works on-site.

**Cessation of Operation of the Action:** Cessation of the operation of the wind farm.

**Department:** The Australian Government Department responsible for the *Environment Protection and Biodiversity Conservation Act 1999*.

**EPBC Act:** The *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

**Minister:** The Minister responsible for the EPBC Act.

**Offset Package:** The package of offsets provided by the proponent in relation to the Commonwealth approval of EPBC 2009/4905, including a minimum of 750 hectares of **Natural Temperate Grassland** which includes a minimum of 150 hectares of known habitat for the EPBC Act listed Grassland Earless Dragon and Striped Legless Lizard.

**Natural Temperate Grassland:** Natural Temperate Grassland of the Southern Tablelands of NSW and the Australian Capital Territory listed as an endangered ecological community under the EPBC Act.

**Grassless Earless Dragon:** Listed as a endangered species under the EPBC Act.

**Striped Legless Lizard:** Listed as a vulnerable species under the EPBC Act.

**Offset Sites:** The land comprising the **Offset Package**.

**Works:** Includes all preparatory works required to be undertaken including clearing vegetation, the erection of any on-site temporary structures and the use of heavy equipment for the purpose of breaking the ground for buildings or infrastructure.