



Planning

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Mr Andrew Durran
Executive Director
Epuron Pty Ltd
Level 11
75 Miller Street
NORTH SYDNEY NSW 2060

Our ref.: 10/23653

Dear Mr Durran

Subject: Liverpool Range Wind Farm (MP10_0225)

I refer to your correspondence dated 18th November, 2010, and additional information dated 3rd and 6th December, 2010, seeking confirmation that the above proposal is a project to which Part 3A of the *Environmental Planning and Assessment Act 1979* (the Act) applies.

On 8th December, 2010, the Director, Infrastructure Projects branch of the Department, as delegate for the Minister, formed the opinion under clause 6 of the *State Environmental Planning Policy (Major Development) 2005* (the Major Development SEPP) that the above proposal is development of a kind that is described in Schedule 1 of the Major Development SEPP.

The project is therefore subject to determination by the Minister for Planning under Part 3A of the Act.

Section 75E of the Act requires you to lodge an application for your project with the Director-General. The application must include a completed application form (available at http://www.planning.nsw.gov.au/assessingdev/pdf/part3a_applicationform.pdf) and a Preliminary Environmental Assessment. Please include both hard and electronic copies of each of these documents.

You are also advised that your project meets the definition of 'critical infrastructure' under Section 75C of the Act, by virtue of the Minister's declaration of 26th February, 2008 in relation to electricity generating projects with a capacity of at least 250MW and the Minister's declaration of 11th November, 2009 in relation to renewable energy projects. Consequently, under Clause 8F(1)(b) of the *Environmental Planning and Assessment Regulation 2000* (the Regulation), landowner's consent is not required for the purpose of this project application, subject to the notification requirements specified in Clause 8F(3) of the Regulation being carried out by the Proponent.

Please note that it is the Proponent's responsibility to meet the landowner notification requirements of Clause 8F(3)(c) of the Regulation within 14 days of the lodgement of the project application. It is noted that the project may also involve linear infrastructure (grid

connection) and, if so, you will need to comply with the public notification requirements of Clause 8F(3)(a) of the Regulation prior to the commencement of the exhibition period for the project. If these notifications are not carried out, the Proponent will be required to obtain landowners consent for the purposes of the application from all landowners traversed by the project prior to the determination of the project.

I note that you have indicated your intention to seek a specific critical infrastructure declaration for this project. In light of the existing declarations, the Department does not support such a request at this stage.

The Major Project Application Number for this project is MP10_0225. Please use this number in all correspondence with the Department. Your contact officer for this proposal, Neville Osborne, can be contacted on (02) 9228 6337 or via email at neville.osborne@planning.nsw.gov.au. Please mark all correspondence regarding the proposal to the attention of the contact officer.

Yours sincerely,



Daniel Keary
Director

Infrastructure Projects



12/10/10

**Record of Minister's opinion for the purposes of Clause 6(1) of State
Environmental Planning Policy (Major Development) 2005**

As delegate of the Minister for Planning under delegation executed on 25 January 2010, I have formed the opinion that the development described in the Schedule below is development of a kind that is described in Schedule 1 of the *State Environmental Planning Policy (Major Development) 2005* – namely clause 24, development for the purpose of a wind electricity generation facility 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* applies for the purpose of section 75B of that Act.

Schedule

A proposal for the Liverpool Range Wind Farm, a wind electricity generating facility and associated infrastructure located in the Coolah-Cassilis region, within the Mid Western Regional, Upper Hunter and Warrumbungle local government areas, comprising approximately 300-500 turbines, as generally described in a letter dated 18th November, 2010 and email dated 3rd December, 2010 from Epuron Pty Ltd to the Department of Planning.



Daniel Keary
Director, Infrastructure Projects

Date: 8 DECEMBER 2010