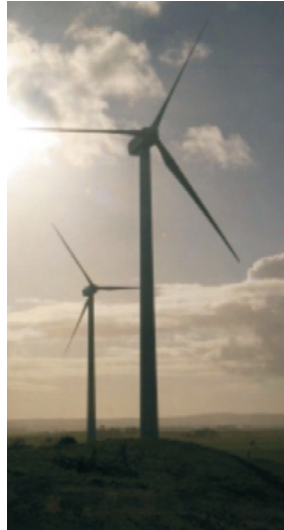


Woodlawn Wind Farm



Planning Context and Consultation

4

4. Planning Context and Consultation

This chapter of the SEE describes the statutory planning context for the amended Woodlawn Wind Farm project in respect of:

- the existing development consent granted in 2005 under Part 4 of the Environmental Planning and Assessment (EP&A) Act
- the proposed variations to the approved project
- other potentially applicable planning instruments

Section 4.9 also outlines the extent of consultation undertaken and proposed for the project.

4.1 Key planning considerations for proposed variations

The development of the amended Woodlawn Wind Farm project and its ancillary infrastructure is subject to:

- Development consent under Part 4 of the Environmental Planning and Assessment Act, 1979. Consent was granted to Woodlawn WindEnergy Joint Venture (WWE JV) on 5th October 2005 by the NSW Minister for Planning and is applicable to lands specified in Schedule 1 of the Consent instrument. The Conditions of Consent also include (Attachment A) General Terms of Approval in relation to Aboriginal cultural heritage
- The consent was based on the *Woodlawn Wind Farm Environmental Impact Statement* (Volumes 1 and 2) prepared by URS, dated September 2004 and as revised by a report entitled *Assessment of Revised Transmission Line Option: Woodlawn Wind Farm* prepared by URS, dated 11 February 2005.
- Acquisition of the project and associated leases of required lands from Woodlawn WindEnergy Joint Venture (WWE JV) by Woodlawn Wind Pty Ltd
- Need for Woodlawn Wind Pty Ltd to obtain modification of the existing development consent in respect of its proposed variations to the project
- Department of Planning's assessment requirements of 10 July 2009 in relation to the proponent's indicated variations and the current status of the potentially impacted areas and issues
- Changes to statutory requirements and regulatory roles in respect of variations to the project, eg wind farms are no longer classed as scheduled premises under the Protection of the Environment Operations (POEO) Act

The proponent's proposed variations to the Woodlawn Wind Farm project have been considered in respect of the key Commonwealth, State and local environmental legislation and relevant matters are described in the following sections.

Aspects which are unchanged from the form described in the original EIS and for which the existing consent is applicable are not the focus of this SEE.

4.2 NSW planning legislation

In NSW, wind farm developments are subject to the EP&A Act 1979 and the relevant instruments that are created under it. The Act sets out the processes for obtaining development consent and related matters. The Department of Planning is responsible for ensuring that the requirements of the Act and its Regulation are addressed for developments where the Minister is the Consent Authority.

4.2.1 Environmental Planning and Assessment (EP&A) Act 1979

Woodlawn Wind Farm was granted Development Consent by the NSW Minister for Planning on 5 October 2005 under Part 4 of the EP&A Act 1979. The consent lists the lands to which the project applies and the activities permitted by the consent. In addition, the consent specifies the conditions under which the activities may be undertaken. The proponent must ensure that the project implementation complies with the Minister's consent conditions.



The consent instrument specifies that the project is categorised as:

- State significant development
- Designated development
- Integrated development

These categories and their relevance are described below.

- **State Significant Development:** In August, 2004 the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration) declared the proposed wind farm to be a State Significant Development pursuant to Section 76A(7)(b) of the EP&A Act and as a consequence the Minister became the consent authority for the wind farm development application. This section has since been repealed, but it is still appropriate that the Minister is the Consent Authority in respect of a modification of the Ministers Consent. If planning approval were currently sought for a project of the scale of the Woodlawn Wind Farm project it would be likely to be declared Critical Infrastructure to which Part 3A of the EP&A Act applies.
- **Designated Development:** Schedule 1 of the Woodlawn Wind Farm Conditions of Consent also notes that the proposal is classified as Designated Development, under Clause 18(1)(c) of Schedule 3 of the EP&A Regulation 2000 because the proposal constitutes an *“electricity generating station which will supply or is capable of supplying more than 30 MW of electrical power”*.

Designated Development is now defined under Clause 4 of the EP&A Regulation 2000. In accordance with Clause 4(4), *“Schedule 3, as in force when a development application is made, continues to apply to and in respect of the development application regardless of any subsequent substitution or amendment of that Schedule, and the application is unaffected by any substitution or amendment”*.

- **Integrated Development:** Under Section 91 of the EP&A Act (Part 4 of the Act relating to Development Assessment) the proposal is classified as Integrated Development, meaning that under the EP&A Act in order for a development to be carried out, additional approvals may be required from one or more of the following approval agencies under the various Acts indicated below:
 - Department of Environment, Climate Change and Water (DECCW) under the following Acts
 - POEO Act 1997 – to control the carrying out of non-scheduled activities for the purpose of regulating water pollution resulting from any such activity, as referred to in section 122.
 - National Parks and Wildlife, 1974
 - Water Management Act, 2000
 - Heritage Act 1977
 - NSW Department of Primary Industries
 - Mine Subsidence Compensation Act 1961
 - Mining Act 1992
 - Goulburn Mulwaree Council under the Roads Act 1993

Application for Modification: The application by Woodlawn Wind Pty Ltd for modification of the current development consent is sought under Section 96(2) of the EP&A Act. In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 79C (1) as are of relevance to the development, the subject of the application. This requirement is also included in the Director Generals' Requirements. The response to requirements of Clause 79C is indicated in Appendix C of this SEE.



Part 4 of the Act deals with land use proposals that require development consent in accordance with requirements of an Environmental Planning Instrument. These instruments include Local Environmental Plan (LEPs), Regional Environmental Plan (REP) or State Environmental Planning Policy (SEPPs). These are addressed in the following sections.

4.3 Applicable Local Government Instruments

The approved wind farm is located on the boundary of Palerang Shire LGA and the Goulburn Mulwaree Shire LGA (Figure 1.4) and as such can potentially be subject to different planning provisions of the two councils in respect of different parts of the development.

The two shires were formed in 2004 through a process whereby the NSW Government redefined shire boundaries and amalgamated a number of former LGAs. The process of amalgamations was based on retentions of the former local government zoning provisions but with a program to develop new LEPs based on the new shire boundaries and as relevant a revised model for preparation of Local Environmental Plans. The approved Woodlawn Wind Farm Project was mostly within the area of the Mulwaree LEP (MLEP) and the project was assessed against the MLEP objectives. In July 2009 the Goulburn Mulwaree Shire issued the Goulburn Mulwaree LEP 2009 (GMLEP) that addresses the boundaries following amalgamation. This GLMEP will be applicable for parts of the project within the Goulburn Mulwaree Shire.

The revised arrangement for grid connection includes the construction of 12 kilometres of 33 kV transmission line from Woodlawn Wind Farm to the Capital Wind Farm substation. The 33 kV transmission line is wholly within Palerang Shire, to which the former Mulwaree LEP (1995) Yarrowlunla LEP (2002) applies. The Capital Wind Farm substation falls under the Yarrowlunla LEP 2002. An overview of the applicable LEPs is provided below.

4.3.1 Goulburn Mulwaree LEP (2009)

The turbine sites for the Woodlawn Wind Farm are partly located within Zone IN3 – “Heavy Industrial” and partly within RU2 – “Rural Landscape” under the Goulburn Mulwaree LEP. The objectives of the Goulburn Mulwaree LEP have been reviewed to ensure the variations within Goulburn Mulwaree Shire are consistent with the GMLEP objectives. The objectives applicable to Zone IN3 and Zone RU2 of the Goulburn Mulwaree LEP are set out in Table C2 in Appendix C together with an assessment of the relevance of the development to each of the Zones objectives. The development is not inconsistent with the zone objectives. Figure 4.1 shows the applicable zones for the project area.

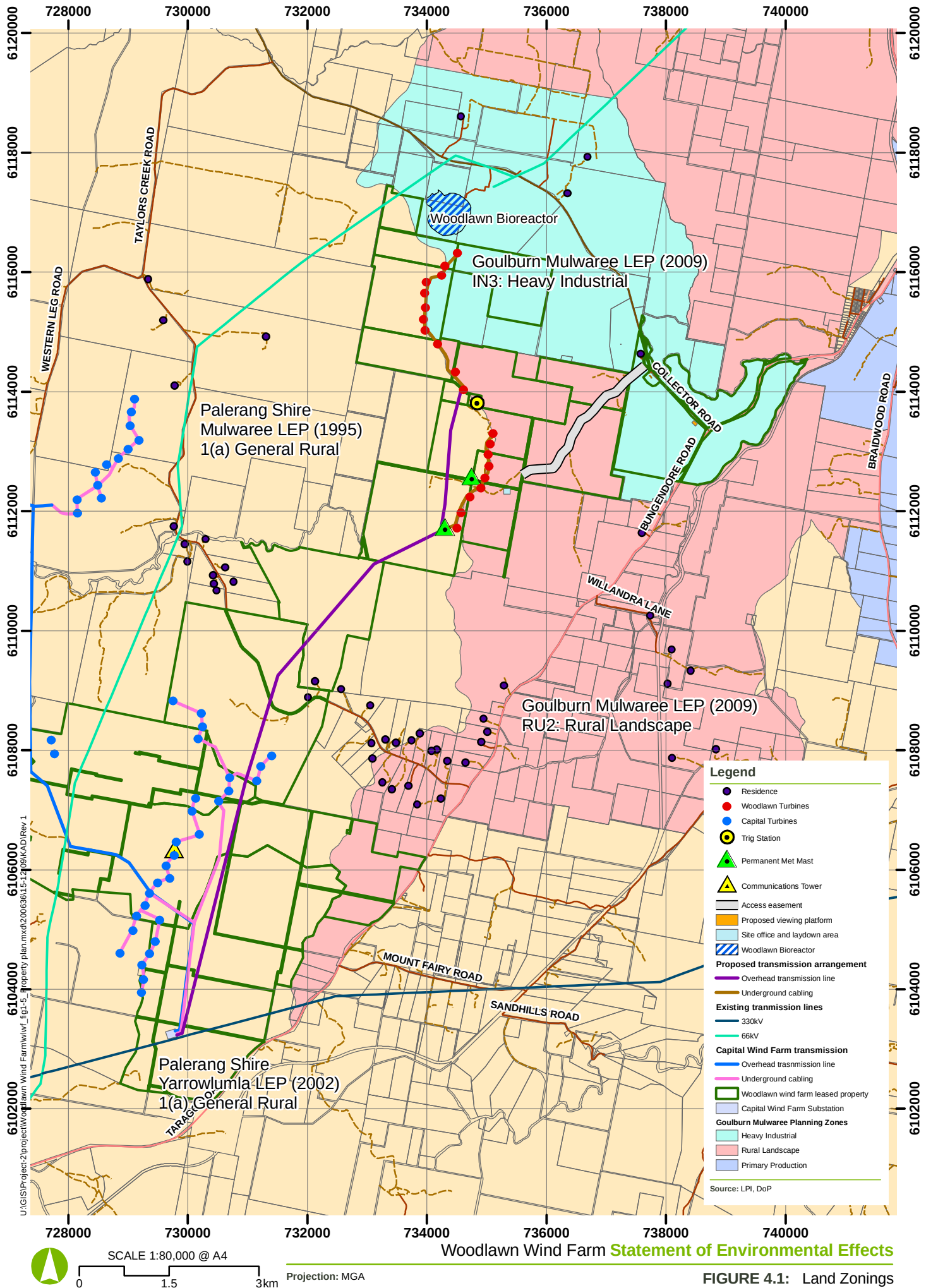
Goulburn Mulwaree Development Control Plan (2009)

The locational attractiveness of the Goulburn Mulwaree LGA for wind energy facilities has been acknowledged and specific requirements for development of wind farms are contained in the Goulburn Mulwaree Development Control Plan (DCP). The Goulburn Mulwaree DCP Amendment No. 1 2009 was adopted in October 2009.

The Goulburn Mulwaree DCP states that wind turbines can usually co-exist with many types of land uses with the exception of:

- urban development (particularly residential areas)
- forestry areas and
- sensitive activities such as airports and some communication facilities.

To assist with finding a balance the following locational guidelines and constraints for wind energy facilities have been defined in the DCP. These are provided in Table C3 in Appendix C. The guidelines and constraints have been reviewed and it is considered that the design of Woodlawn Wind Farm is not inconsistent with the requirements of the Goulburn Mulwaree DCP.



4.3.2 Mulwaree LEP (1995)

The revised grid connection arrangement proposed for Woodlawn Wind Farm is wholly located within Palerang Shire, and is located within the former Mulwaree LEP1995 Zone 1(a) – General Rural.

The objectives applicable to Zone 1a are set out in Table C4 in Appendix C together with an assessment of the relevance of the development of the proposed transmission line to each of the Zone 1(a) objectives. The development is considered as not inconsistent with the zone objectives.

Special provisions of the MLEP and Yarrolumla LEP considered in respect of this application are set out in Table C6 of Appendix C. General considerations for development are also listed in the MLEP and these have been reviewed as shown in Table C7.

4.3.3 Yarrolumla LEP (2002)

Capital Wind Farm substation is located within land zoned 1(a) (General Rural) under the Yarrolumla LEP 2002 and within Palerang Shire. The works within the area of the Yarrolumla LEP would involve the installation of an additional 33kV/330kV transformer within the existing Capital Wind Farm substation complex. The objectives applicable to Zone 1(a) of the Yarrolumla LEP are summarised in Table C5 of Appendix C. Special provisions relevant to the YLEP and MLEP are set out in Table C6 of Appendix C.

The installation of an additional 180 MVA transformer and associated equipment at the Capital Wind Farm substation in a part of the substation that has been prepared for this purpose and will involve a minor impact and is therefore considered as not inconsistent with the Zone objectives.

4.4 State Environmental Planning Policies (SEPPs)

4.4.1 SEPP No. 44 – Koala Habitat Protection

SEPP44 encourages the conservation and management of koala habitats, to ensure that permanent free-living koala populations will be maintained over their present range. It particularly relates to land that has an area greater than one hectare and contains koala feed tree species. The policy applies to 107 local government areas including the former Mulwaree Shire. The Palerang and Goulburn-Mulwaree Shires are not listed under Schedule 1 of SEPP 44, however, Shires existing before the amalgamation of LGAs in 2004 are still listed. The SEPP therefore still applies to the new Shire.

The 2004 EIS concluded that the proposed wind farm site did not contain either koala habitat or core koala habitat and therefore the provision of SEPP 44 were not applicable.

In 2009, Kevin Mills and Associates (KMA) undertook a flora and fauna survey along the new proposed transmission line route. KMA concluded that no Schedule 2 Koala food trees were recorded on the transmission line route therefore the area was not considered to be "potential Koala habitat" and no further provisions of the Policy apply.

4.4.2 Drinking Water Catchments SEPP

Woodlawn Wind Farm is partly located within the Wollondilly River catchment of Warragamba catchment and is part of the Sydney Outer Catchment Area (Figure 4.2). The Sydney Catchment Authority (SCA) is a NSW Government agency, formed in 1999, whose task is to manage and protect Sydney's catchments and supply bulk water to its customers. SCA has within its principal objectives to ensure that the catchment areas are managed and protected to promote water quality, the protection of public health and safety, and the protection of the environment.

The SEPP 58 that related to the protection of Sydney's Water Supply and the Sydney Outer Catchment Area was repealed from 1 January 2007 and replaced by the Drinking Water Catchments Regional Environmental Plan (REP) No 1 made under the EP&A Act. From 1 July 2009, REP 1 was taken to be a SEPP in accordance with **Clause 120 of Schedule 6 – Continuation in force of**



existing SEPPs and REPs. This clause states that “*All existing State environmental planning policies and existing regional environmental plans are, on the relevant commencement day, taken to be environmental planning instruments made by the Governor under Division 2 of Part 3 of this Act, as amended by the amending Act*”.

The hydrological catchment to which this SEPP (REP 1) applies includes the Wollondilly River sub-catchment. Amongst other things, the SEPP establishes appropriate assessment criteria for water quality issues. The principal water quality objectives referenced in Clause 8(1a) of the Drinking Water Catchment SEPP are as specified in the *Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2000 (the Water Quality Guidelines)*.

Clause 26 of the Drinking Water Catchments SEPP requires that a consent authority must not grant consent to the carrying out of development under Part 4 of the EP&A Act on land within the hydrological catchment unless:

- (a) *it has considered whether the proposed development will have a neutral or beneficial effect on water quality, and*
- (b) *it is satisfied that the carrying out of the proposed development would have a neutral or beneficial effect on water quality.*

The definition of a neutral or beneficial effect on water quality, as provided in the guidelines, includes containment of potential water quality impacts on the development site.

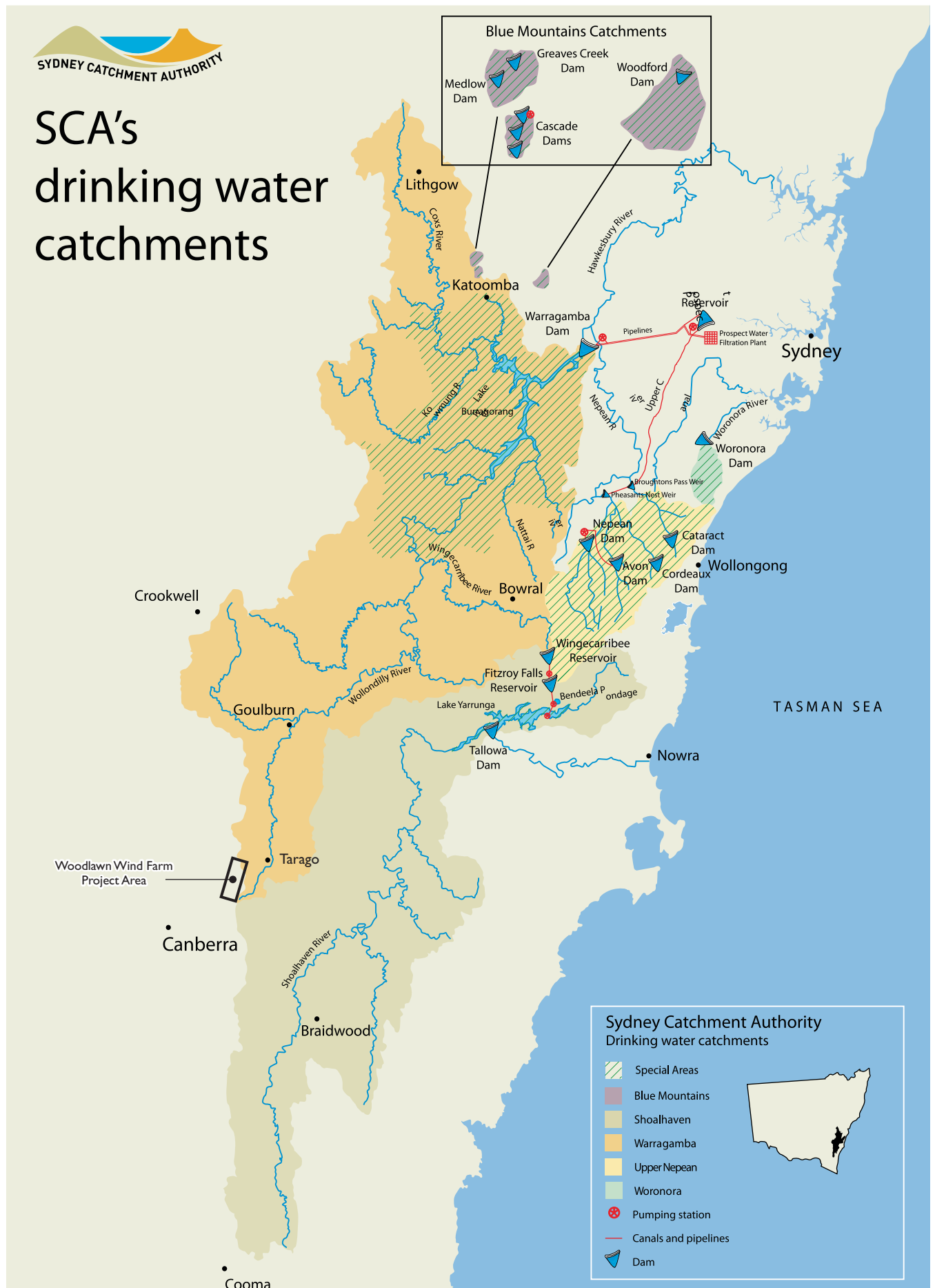
Clause 28 of the Drinking Water Catchment specifies the circumstances where development needs concurrence of the Chief Executive of SCA and indicates that concurrence is not required where the Minister is the Consent Authority which is the case for the Woodlawn Wind Farm.

URS undertook an assessment of the potential impacts of the proposed wind farm on hydrology and water quality and assessed them against the requirements of SEPP 58. Although SEPP 58 has been repealed, Section 10 of SEPP 58 provided conditions to be considered by the consent authority. URS concluded that:

- the proposed wind farm would have a neutral effect on water quality
- the water quality management practices would be sustainable over a long term and
- the development was consistent with the objectives and water quality standard of the Warragamba Catchment Blueprint.

The variations proposed for Woodlawn Wind Farm will not significantly change the above assessment and the proposed wind farm as amended will have a neutral effect on the water quality of Sydney Drinking Water Catchment.

SCA's drinking water catchments



Source: <http://www.sca.nsw.gov.au>



SCALE

0 25m 50km

Figure 4.2: SCA Drinking Water Catchments

4.4.3 State Environmental Planning Policy (Infrastructure) 2007

The State Environmental Planning Policy (Infrastructure) 2007 was developed to improve the efficiency of the NSW planning system in delivering essential public infrastructure and services. The SEPP repealed 20 environmental planning instruments, including *SEPP No. 4 - Development without Consent and Miscellaneous Exempt and Complying Development*, along with the clauses in the Standard Instrument (Local Environmental Plans) Order 2006 relating to infrastructure.

The Infrastructure SEPP addresses all components of electricity infrastructure holistically and provides development assessment provisions which apply across the State. It outlines the planning processes for infrastructure projects under Part 3A, Part 4, Part 5 and exempt development. The SEPP also includes consultation requirements.

The Infrastructure SEPP overrides most other environmental planning instruments in the event of inconsistencies, with the exceptions of three SEPPs (Major projects) 2005, SEPP 14 and SEPP 26 that are not relevant for this project.

Clause 39 (2)(a) of the Infrastructure SEPP outlines the circumstances where wind monitoring towers are exempt development. The proposed variation to the project includes the installation of two temporary and two permanent wind monitoring towers and they are considered by this assessment.

Clause 41 (d) indicates that the establishment of a new substation or an increase in the area of existing substation yards or the installation of equipment, plant or structures in existing substation yards or substation buildings, is a development permitted without consent. The proposed variations include the installation of an additional 33/330 kV transformer as the Capital Wind Farm substation.

4.5 Other potentially applicable NSW Environmental Acts

4.5.1 Protection of the Environment Operations Act 1997

Under the original development consent, the proposed wind farm may have required an Environment Protection Licence from DECCW under the Protection of the Environment Operations (POEO) Act 1997, as “*electricity generating works*” that supplies, or is able to supply, more than 30 MW of electrical power was classed as ‘scheduled premises’.

However, amendments to the POEO Act have meant that wind farms are no longer regarded as ‘scheduled premises’ under the POEO Act. The Councils are the Appropriate Regulatory Authorities (ARA) in relations to matters addressed by the POEO Act.

4.5.2 National Parks and Wildlife (NPW) Act

The NPW Act includes matters relating to Aboriginal heritage and to flora and fauna. A flora and fauna assessment for the turbine locations and access roads was previously undertaken by URS (June 2004), Alison Rowell (August 2004) and Greg Richards and Associates (May 2004). An archaeological survey was undertaken by Biosis Research (August 2004).

The proposed variations include the construction of 12 kilometres of 33 kV line connecting Woodlawn Wind Farm to the operational Capital Wind Farm substation. An assessment of flora and fauna was undertaken by KMA. The findings presented in Appendix C are summarised in Chapter 8.

In relation to Aboriginal heritage, Potential Archaeological Deposits (PADs) were identified at the site and further investigation were undertaken to establish the extent and significance of the material. A Section 87 Permit under the NPW Act was issued by DEC to enable a program of targeted test-pitting, and where applicable, salvage prior to the project proceeding. Heritage issues for the 33 kV line are presented in Appendix D and for the project generally are summarised in Chapter 9.



DECCW has previously issued General Terms of Approval (GTA) which forms Attachment A of the existing Condition of Consent. This addresses Section 90 – Consent to Destroy, Section 87 – Permit to salvage and conditions applying to consent and permit to salvage. This was granted in September 2005 based on investigations reported in July 2005.

4.5.3 Threatened Species Conservation Act, 1995

The *Threatened Species Amendment Act, 2002* sets out matters that must be taken into account in deciding whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats. An assessment to address these matters in relation to project variations was undertaken by KMA and included the 'seven part tests' of significance for threatened species. The findings presented in Appendix D are summarised in Chapter 8.

4.5.4 Water Management Act

The *Rivers and Foreshores Improvement Act (RFI) 1948* which was considered by the original project assessment, but which has since been repealed with the *Water Management Act 2000* having effect from February 2008 in relation to such matters. The *Water Management Act* provides for the sustainable and integrated management of the water sources of the State for the benefit of both present and future generations and, in particular, provides a framework for the development of water management plans which address water sharing, water source protection, drainage and floodplain management.

4.5.5 Native Vegetation Act, 2003

Native vegetation (trees, shrubs and grasses) are protected through the Native Vegetation Act, 2003 which includes requirements in respect of clearing of native vegetation.

A vegetation survey for the 33 kV line was undertaken by KMA to identify species potentially affected by construction of the proposed transmission line. Proposed clearing is mainly associated with excavation for the installation of the transmission poles and temporary trackwork. Most of the earthworks will be undertaken in areas that have been subject to considerable disturbance, including clearing for grazing, and some of these areas contain some native grassland of low to moderate quality. Disturbance will avoid any areas identified by KMA as being of sufficient quality to warrant their conservation. Regrowth will occur in the location of temporary tracks once the 33 kV line has been installed.

4.5.6 Roads Act 1993

Under section 138 of the Roads Act consent is required from Council for certain actions in relation to public and classified roads. Connecting a private road to a classified road is one action that requires consent. The proposed development includes property access to and from the Collector Road at the existing Pylara property entrance. Some upgrading of the entrance point will be involved and Woodlawn Wind Pty Ltd will consult with Goulburn Mulwaree Council in respect of the works and if required obtain a permit under the Roads Act. The access to the substation was upgraded as part of the Capital Wind Farm development. The viewing area will also require connection to Collector Road and these works will also require consultation and approval of the Goulburn Mulwaree Council. No further works on local roads are proposed for this project apart from gates at the point where the 33 kV line crosses Taylors Creek Road. Once the line is constructed this access will not be required.

Local Government transport responsibilities

Transport of plant and equipment to site through the City of Goulburn requires consultation with Goulburn Mulwaree Council to agree the transport routes for large or heavy items and any conditions for vehicle movements and road safety. Transport routes to the Woodlawn Wind Farm site have already been assessed in the 2004 EIS and form part of the existing Development Consent. It is noted that transport for Capital Wind Farm construction used the same routes and extended beyond the Woodlawn Wind Farm site entrance confirming the workability of the proposed arrangements.



The contractor for Woodlawn Wind Farm has already been appointed and has received the turbine equipment at Port Kembla. As an interim measure, arrangements were made by Suzlon Energy for storage of the turbines at the Panhandle property at the south end of Western Leg Road and about 10 kilometres west of the Woodlawn Wind Farm Site. The contractor has advised that delivery to the temporary storage at Panhandle has been arranged in consultation with the respective Councils and the Roads and Traffic Authority and the relevant road transport permits will be obtained.

Sections of the turbine towers will be delivered by the abovementioned route from Goulburn and only involve towers for 20 turbines rather than the 25 previously proposed. The construction phase will involve delivery of the turbine equipment to the Woodlawn Wind Farm site from the Panhandle property via Western Leg Road, Taylors Creek Road and Collector Road with site entry through the Pylara property entrance.

The additional transformer to be installed at the Capital Wind Farm substation will require delivery via Goulburn, Tarago, the Tarago Bungendore Road and the existing Capital Wind Farm substation access track.

Site access details are described in more detail in Chapter 10.

4.5.7 Surveying Act 2002 No 83

Turbines of the Woodlawn Wind Farm are spaced along a ridgeline that forms part of the Great Dividing Range and is also a catchment divide between the Wollondilly River catchment and Lake George Catchment. Sally Trig Station and its associated Trig Reserve are located on the highest part of the ridge. Proximity of turbines to trig stations can affect survey operations at the Trig Station and the impact of wind farm developments on the survey activities at potentially affected Trig Stations needs to be assessed as part of planning studies. In addition, a Trig Reserve constitutes Crown Land and any activities proposed within a Trig Reserve need to be approved by the Land and Property Management Authority.

Clause 24 (1) of the Surveying Act 2002, No 83 addresses matters relating to survey marks. It states that *“A person must not remove, damage, destroy, displace, obliterate or deface any survey mark unless authorised to do so by the Surveyor-General.”* The location of Sally Trig Station in relation to the Woodlawn Wind Farm Project is such that there will be no construction activity close to the Trig Station Reserve and as such no impact on the associated survey reference points.

The Land and Property Management Authority was contacted in December 2009 to determine whether there is any potential the amended turbine layout to impact on survey activities at Sally Trig Station. If required, controls will be integrated in the project to address any potential impacts identified as a result of the correspondence. The Authority concluded that *“Though the Woodlawn Wind Farm structures will interfere to some extent with the utility of our Trigonometrical Station Sally, the Land and Property Management Authority has no objections to the proposed position of the structures as shown on the diagram”* (Appendix B).

4.6 Commonwealth legislation

Potentially relevant Federal legislation includes the Renewable Energy (Electricity) Act, Environment Protection and Biodiversity Conservation Act, Civil Aviation Safety Regulations, Native Title Act and Radiocommunications legislation.

4.6.1 Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act)

The EPBC Act addresses matters of National Environmental Significance (NES). Actions which may affect items of NES Significance must be referred to Commonwealth Department of the Environment, Water, Heritage and Art (DEWHA).



The approved wind farm was assessed for impacts on matters of NES by URS (June 2004), Richards (May 2004) and Biosis Research (August 2004). It was concluded that provided recommended migratory measures were implemented, that the approved wind farm would not impact on any nationally threatened or endangered species or communities or internationally listed migratory bird species.

Due to the proposed variations discussed in this SEE including 12 kilometres of 33 kV overhead transmission line from Woodlawn Wind Farm to the Capital Wind Farm substation, a further flora and fauna assessment and additional heritage assessment were undertaken for the proposed transmission line route.

These assessments concluded that the construction of the proposed transmission line would not likely have significant impact on matters of NES and therefore a referral to the Commonwealth Minister would not be required (See Chapters 8 and 9).

4.6.2 Renewable Energy (Electricity) Act 2000 and associated Act and Regulations 2001

The Woodlawn Wind Farm project was originally developed in the context of the Mandated Renewable Energy Target (MRET) Scheme. Key aspects of the MRET scheme legislation served the following purposes:

- placed legal liability on the wholesale purchasers of electricity to proportionately contribute towards the generation of an additional 9,500 GWh of renewable energy annually by 2010
- enabled 'accredited/eligible' renewable energy generators to create tradeable Renewable Energy Certificates (RECs) that could be sold to wholesale purchasers of electricity to assist them to meet their obligations (each REC is equivalent to 1 MWh of renewable generation).

The legislation is administered by the Office of the Renewable Energy Regulator (ORER).

Since the Development Consent was granted for the Woodlawn Wind Farm, the Federal government has passed legislation in respect of an Expanded Renewable Energy Target Scheme (ERET). This is the context in which the current project is proposed.

Woodlawn Wind Pty Ltd will seek to have the Woodlawn Wind Farm registered as an accredited Renewable Energy Generator.

4.6.3 Civil Aviation Safety Regulations 1998

The Civil Aviation Safety Regulations require that CASA be informed of proposals to build a structure greater than 110 m above ground level. Information, including the preliminary height and location of the proposed structures has been provided to CASA.

Woodlawn Wind Pty Ltd has been in discussion with CASA and it has been established that the wind farm developer will determine whether a risk exists. An assessment has been undertaken and it has been determined that no aeronautical hazard is created. Based on the assessment, lighting on the turbines of the Woodlawn Wind Farm wind turbines is not warranted. This issue is further described under Section 12.2.

4.6.4 Radio Communications Act 1992

Potential for the Woodlawn Wind Farm to interfere with telecommunications signals was assessed by URS in the 2004 EIS. It was concluded that no potential impacts on mobile phones, aircraft navigation or Mt Sally trig station would be expected.

An existing fixed radio link was identified as transmitting across the approved wind farm site and further investigation was planned during the detail design phase of project.



A specialist review is appended to this SEE (Appendix G) and findings are summarised in Chapter 11. The key outcome of the specialist review and project design is that the siting of turbines will avoid locations that have potential for interference to important communication links.

Where necessary, adjustments can be made to the layout to avoid affecting transmission paths that pass through the site. Various measures are also available to mitigate impacts on television services, with the actual measures used depending on the nature of the interference and circumstances of the receiver.

4.6.5 Native Title Act 1993

This Act provides a framework for the protection of native title within Australia and to provide for the recognition and protection of native title.

At the time of the 2004 EIS, two Native Title Claims existed on the proposed site. Since then additional Native Title Claims have been lodged for an area including the Goulburn Mulwaree and Palerang LGAs. Of these, two Native Title Claims are still active – Ngunawal People and Gundungurra Tribal Council Aboriginal Corporation (<http://www.nntt.gov.au>).

Under Division 2B of the Act, any land held as freehold or lease conferring possession, extinguishes any Native Title claim. These conditions apply to the lands subject to application for modification of consent.

4.6.6 Directory of Important Wetlands

Both Lake George (NSW 067) and Lake Bathurst (NSW 066) are listed in the *Directory of Important Wetlands in Australia* as nationally important wetlands. Both Lakes are large shallow (ephemeral) freshwater lakes and provide important habitat for waterbirds when containing water. Both Lakes have been mostly dry for many years.

No part of the approved wind farm will be located on Lake George or Lake Bathurst. The closest turbines are on ridges about eight kilometres to the east Lake George and nine kilometres southwest of Lake Bathurst.

The issue of flight paths between the two lakes was considered by the 2004 assessment and the paths were indicated to avoid the higher ridgeline where the turbines will be located. The extended drought conditions have meant that the lakes have been mostly dry for significant periods. The lesser number of turbines also reduces any risk that could have been presented by the 25 turbine array.

4.7 Potentially applicable planning and EIA guidelines

4.7.1 Sydney to Canberra Corridor Strategy

The Sydney to Canberra Corridor Strategy was developed by the NSW Department of Planning, and implemented in 1995 as a response to population growth pressures that were expected to heighten conflicts in planning and resource management in the Corridor. The strategy specifies a number of strategic directions that are intended to guide policy formation of local councils within the corridor.

A revised draft Corridor Regional Strategy was released in September 2007 and applies to the local government areas of Wingecarribee, Goulburn Mulwaree, Upper Lachlan, Yass Valley, Palerang and Queanbeyan, and is one of a number of regional strategies prepared by the Department of Planning. This Regional Strategy builds on previous planning work, including the 1995 Sydney–Canberra Corridor Strategy, as well as the Australian Capital Territory (ACT) and Subregion Planning Strategy (Department of Planning, 2007). The Strategy aims to ensure that the Region remains a liveable and sustainable place. This would be achieved by:

- attracting economic investment
- provide regional based housing and job choices
- minimise commuting out of the Region
- provide reliable and cost effective infrastructure
- protection of the rural, natural and cultural assets of the Region

The mitigation measures incorporated in the project will ensure the protection of the natural environment. The project represents a sustainable energy development that can be developed without significantly affecting the rural grazing potential of the affected properties. Development of wind energy facilities is consistent with State and Federal Policy and measures.

The project provides economic investment for the region, some employment opportunities, additional power generation and supply infrastructure and utilises a natural renewable energy resource. As such it can be regarded as consistent with a number of aspects of the Strategy.

4.7.2 NSW EIA Guidelines for Wind Energy Facilities

Department of Planning has issued draft Guidelines for Environmental Impact Assessment for Wind Energy Facilities. The draft Guidelines were dated June 2002 and set out considerations for assessment of wind energy facilities. The Guidelines were appended to the Director-General's requirements for the EA and have been referred to in its preparation.

4.7.3 EIS Guidelines for Network Electricity Systems and Related Facilities (Draft February 2002)

The project will involve construction of about 12 kilometres of 33 kV overhead transmission line. The environmental issues associated with the planning and implementation of the short section of line is relatively straight forward and areas of environmental sensitivity will be addressed.

4.7.4 Wind Farm – Environmental Noise Guidelines (South Australian EPA)

Section 55 of the original consent conditions indicated that compliance assessment procedures outlined in the South Australian EPA "*Environmental Noise Guidelines: Wind Farms*" should be used. Vipac Engineers and Scientists were engaged to undertake a revised noise impact assessment and has assessed predicted noise levels against the guidelines. It is noted that both the original background monitoring for the Woodlawn Wind Farm and monitoring in respect of the Capital Wind Farm were undertaken in accordance with the 2003 SA EPA guidelines that were applicable at the time. For consistency, compliance checking would also be undertaken in accordance with the 2003 SA EPA guidelines.

4.7.5 Draft National Guidelines for Wind Farms (EPHC)

The Environment Protection and Heritage Council (EPHC) is working with Local Government and Planning Ministers to develop a set of national guidelines for wind farm developments.

The guideline will be directed towards addressing key community concerns about wind farm development (ie turbine noise, visual aspects, impacts on landscapes and threatened species) and ensuring greater national consistency in the way these concerns are examined. The guideline also includes technical components covering: shadow flicker; noise (prediction and post-construction monitoring); impacts on landscapes; impacts on birds and bats; and electromagnetic interference.

In October 2009 the EPHC released a consultation draft of the National Wind Farm Guidelines for public feedback in October 2009.

4.8 Approvals for the Woodlawn Wind Farm project

Woodlawn Wind Farm has already obtained development consent and the proponent is now seeking a modification of the consent in respect of proposed variations to the project. It also has the agreement of the respective landowners to undertake the required planning and assessment studies for the proposed wind farm variations and to submit the application for modification of consent. The proponent will provide details of the land owner's consent to lodge an application for modification of the existing consent in respect of the proposed variations.

In addition, the planning and licensing approvals listed in Table 4.1 may be required for the development and operation of the Project.

Additional approvals may be required as a result of any modification of the existing Consent Conditions.

Table 4.1 – List of approvals for the Woodlawn Wind Farm project

Organisation	Approval Required
Department of Planning	Minister's Modification of Development Consent under Part 4 of the Environmental Planning and Assessment Act, 1979 as amended.
Department of Planning or Approved Certifier	Construction Certificate in relation to Building Rules aspects for relevant project elements.
Department of Environment, Climate Change and Water (DECCW)	Completion of the requirements of the Section 90 Consent to Destroy and associated Permit for salvage and care of specific artefacts.
TransGrid	Connection agreement for Woodlawn Wind Farm
Department of Planning	Matters relating to works within 40 m of a watercourse that have previously required a Permit under Part 3A of the Rivers and Foreshores Improvement Act, 1948 are able to be assessed by Department of Planning in conjunction with the modification application
Department of Planning / DECCW	Approval for clearing of any Native Vegetation is considered as part of the application for modification of consent
Palerang Shire Council	If required, written approval of Palerang Council for removal of any trees.
Goulburn Mulwaree Council	Approval for Restricted Access Vehicles (RAVs) traffic through the City of Goulburn
Palerang Shire Council	Approval for RAVs traffic on local roads between the temporary storage site and the Woodlawn Wind Farm site.
Palerang Shire Council	Agreement regarding maintenance of local roads
Local Traffic Management Committee	Approval for the transport of over-mass and over-size loads to the site.
Land and Property Management Authority (LPMA)	LPMA has provided advice in respect of turbines close to the Sally Trig Station and has advised that it has no objections to the turbine positions as shown. Any cabling or access tracks within the Trig reserve would require LPMA approval.

4.9 Consultation

Woodlawn WindEnergy Joint Venture undertook extensive consultation with the relevant local and State Government agencies, services providers, key stakeholder and the local community during the preparation of the original EIS. A community consultation strategy was prepared.

Further to the original consultation and following acquisition of the project by Woodlawn Wind Pty Ltd, community consultation activities have included:

- providing previously identified stakeholders with information regarding the proposed variations to the development, the potential impacts of the proposed variations and new contact details for the proponent (Woodlawn Wind Pty Ltd)
- seeking further input from the local community, particularly their expectations and perceptions of the proposed variations
- responding to issues raised during the consultation and incorporated measures within the management of its operations to address the community issues as they arise
- preparation of this SEE that will provide a detailed reference for stakeholders to understand changes to the project and the associated issues arising and controls to be incorporated in the project

An appropriate community consultation plan that considers the communication activities to occur at various stages of the development will be prepared for the Woodlawn Wind Farm Project. The timing, nature and extent of the consultation will be reviewed progressively. Advice will also be progressively sought from the Goulburn Mulwaree and Palerang Shire Councils as to the status of any community issues and the appropriateness of the various consultation options and their timing.

4.9.1 Stakeholders

Planning for the proposed variations to the development of the Woodlawn Wind Farm has identified specific stakeholders as listed in Table 4.2. Engagement of stakeholders has occurred through the following means:

- telephone discussions
- emails
- one-on-one meetings
- provision of project information

The consultation methods have varied with the stage of planning, the stakeholders involved and the nature of their concerns. Section 4.9.2 outlines the various stages of consultation undertaken for the project including the methodologies used.

Overall, Woodlawn Wind Pty Ltd has aimed to make information available to stakeholders as it becomes sufficiently developed to enable meaningful discussion and has sought input from stakeholders to guide the planning for implementation of the amended wind farm project. The consultation process will be continued through the development and operation of the wind farm.

Table 4.2 – Stakeholders consulted as part of the planning process

Sector	Organisation or Group
Local Community	• Landowners of the properties on which wind farm will be developed and where the transmission line will be constructed • Neighbouring landowners within three kilometres of the wind farm • Tarago and Bungendore communities through notices in the local papers
Local Government	• Palerang Shire Council • Goulburn-Mulwaree Shire Council
NSW Government Agencies	• Department of Planning (Consent Authority) • Department of Environment, Climate Change and Water (DECCW) • TransGrid • Land and Property Management Authority (Survey Infrastructure and Geodesy Section) – Sally Trig Station • Department of Primary Industry - Mineral Resources • Rural Fire Service • Roads and Traffic Authority
Federal Government Agencies	• Department of Water Heritage and the Arts (DEWHA) • Office of Renewable Energy Regulator (ORER) • Civil Aviation Safety Authority (CASA) • Airservices Australia (AsA) • Department of Defence
Other Stakeholder Organisations	• Pejar Local Aboriginal Land Council (PLALC) • Buru Ngunawal Aboriginal Corporation • Gundungurra Tribal Council Aboriginal Corporation • Aerial Agricultural Association of Australia (AAAA) • Local media organisations

4.9.2 Stages of consultation

Community consultation for the Woodlawn Wind Farm project has involved communication with a range of identified stakeholders during the preparation of the 2004 EIS. Consultation included a Planning Focus Meeting held in March 2004, face to face meetings, information letters and telephone discussions. Preliminary planning involved securing access to suitable land areas, ensuring potential for the amended grid connection and the development of a conceptual plan for the project in respect of changes to activities at the locality since 2004.

Woodlawn Wind Pty Ltd acquired the rights for the development of the wind farm in 2009 and have proposed a number of variations to the approved project. The Department of Planning was consulted regarding the proposed variations and the Director General's requirements for the preparation of a modification application were provided in a letter issued by the Department on 10 July 2009.

Consultation has been initially directed towards Veolia who own most of the land on which the wind farm is to be developed. In addition the proposed new transmission line route will cross a number of private properties. Lease agreements have been negotiated with the participating landowners and are mostly in place since the owners are participants in the nearby Capital Wind Farm project. Consultation with landowners has occurred in parallel with the proponents negotiation with the contractor's design development.

Approaches to neighbours and the broader community commenced in the latter half of 2009, once Woodlawn Wind Pty Ltd had acquired the rights to the development and once a clear picture of the



potential variations to the development were available. Woodlawn Wind Pty Ltd will remain in contact with those neighbours to the wind farm site who wish to be updated progressively on the wind farm project status. This consultation has had the advantage of being able to support an appropriate design of the project. This has also occurred in parallel with clarification of the approval process and its timing.

While some neighbours were supportive of wind farm developments generally, others have expressed concerns or a degree of anxiety as to potential impacts. The main issues of concern that have been raised during discussions were visibility of the wind turbines and potential noise impacts, as well as potential impacts on property values. A list of the issues raised is provided in Table 4.4 and these have been assessed by the 2004 EIS and as applicable this SEE.

The iterative process by which the planning of such projects is progressed allows for a degree of variation of the design to address matters raised through the process. Woodlawn Wind Pty Ltd has given serious consideration to the matters raised during community consultation and to the outcomes of the range of environmental assessments and has made adjustments to the design of the project to address as many of the concerns as practicably possible..

Following the submission of the Modification Application and after a period of review by the Department of Planning, the SEE may be placed on exhibition for a period determined by the Department. It is expected that previous respondents will be notified of the application for modification to the existing consent and will be able to review the revised proposal and the associated assessments provided in the SEE and, should they wish, make submissions in respect of the amended project.

The Department of Planning is required to review all submissions and take into account the matters raised in respect of the Modification Application.

The key elements of consultation undertaken and their approximate timing are summarised in Table 4.3.

Table 4.3 – Modified Woodlawn Wind Farm: Key stages of consultation

Approx. timing	Stakeholder group	Nature of Consultation
Late 2008/2009	Wind Farm landowners	Negotiations for lease agreements
Late 2009	Neighbours to wind farm site	Discussions to explain the amended development and its potential impacts and identify any concerns that neighbours may have.
2004 and 2009	Civil Aviation Safety Authority (CASA)	Advised CASA of the location of the wind farm and detail of structures
March 2009	TransGrid	Discussions and Connection Application for grid connection
June 2009	Department of Planning and relevant Government Agencies	Notification of proposed variations to the approved project
July 2009	Department of Planning	Director-General's Requirements issued for the SEE
Latter half 2009	Palerang Shire Council	Meetings to provide project update and discuss variations to traffic and transport issues
Latter half 2009	Goulburn Mulwaree Shire Council	Meetings to provide project update and discuss variation to traffic and transport issues
April 2005	Airservices Australia	Air Services has advised the proponent that the wind farm will not interfere with instrument procedures at Canberra or Goulburn Airport, nor communications.
Future		
After Modification Application	Local community	Distribution of Newsletter by Woodlawn Wind Pty Ltd Notifications by Department of Planning
Early 2010	Department of Planning, Palerang Council and Goulburn Mulwaree Council	Exhibition of SEE
Early 2010	Government Agencies	Modification Application referred to specific Government Agencies and their responses provided to Department of Planning
Early 2010	Community and Department of Planning	Submissions lodged with Department of Planning Review of all submissions by the Department
Early 2010	Minister and Department of Planning	Determination of Application for Modification
Construction	Local community	Periodic update newsletters will be circulated with relevant local papers

4.9.3 Issues raised during consultation

A range of issues were raised during the consultation process and the key issues raised are summarised in Table 4.4 together with a summary of the proponent's response to the issue. These issues have also been addressed in the SEE.

Table 4.4 – Issues arising from consultation undertaken to date and responses to issues

Stakeholder Group	Summary of Key Issues Raised during Consultation	Summary of Response to Issue Raised
Landowners	Lease arrangements, project design and impacts on use of their land. Visual, Noise, etc.	Negotiation and agreements entered into.
Neighbours	Visual Impact – size of turbines, impact on views, screening	Setbacks maintained and some turbines removed
	Noise impacts – potential for disturbance	Layout designed to comply with relevant noise amenity criteria
	Potential for adverse impacts on land values	Design modified with reduced impacts. US, NSW and WA studies demonstrate no discernible impact on land values.
	Health and safety impacts	Controls implemented
	Traffic effects, including avoidance of heavy truck movements during school bus hours.	Thorough assessment and identification of controls
	Impacts on birds	Assessment of risks by ecologist. Controls include avoidance of key habitat during construction and adaptive management plan required for operations
Local Government	Traffic and road safety	Liaison with Council
	Contributions to local infrastructure.	Negotiation with Council
	Impact on rural communities	Management controls identified
	Consultation	Ongoing
Dept. of Planning	Adequacy of assessment and consultation	Department of Planning has issued DGRs and SEE addresses the DGRs
DECCW	Adequacy of archaeological assessment and controls	Assessed by Department of Planning and DECCW
	Adequacy of flora and fauna assessment and controls	Specialist assessment. Report reviewed by Department of Planning and likely to be referred to DECCW
	Adequacy of noise assessment and controls	Specialist assessment. Report reviewed by Department of Planning and likely to be referred to DECCW
TransGrid	Project electrical design and impact on existing power transmission system	Liaison with TransGrid and specialist studies
Dept. of Lands	Impacts on Sally Trig Station and survey activities	Avoidance and barriers as required.
NSW Agriculture	Impacts on agricultural activities	Minimal impact
Rural Fire Service	Bushfire risk and safety	No residences constructed as part of the development. Works to be managed to avoid bushfire risk
Dept. of Primary Industry		Liaison for information purposes
Mineral Resources	Details of Mineral Titles obtained. Mineral resources recovery not restricted by the wind farm development.	Investigations indicate that no conflict with mineral titles

Stakeholder Group	Summary of Key Issues Raised during Consultation	Summary of Response to Issue Raised
DPI	Subsidence Zone issues	No issues identified
DEWHA	Impacts on National Environmental Issues	Specialist review and no need for referral
Aboriginal Stakeholders	Impacts on heritage values of the locality	Assessment on-going with their involvement
Local business	Opportunities for some local business growth	Minor consultation. Local updates will provide details of project status

4.9.4 Contact details

The contact details for Woodlawn Wind Pty Ltd are as follows:

	Woodlawn Wind Pty Ltd
Contact	Mr David Griffin:
Phone:	(02) 8031 9900
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Address	Level 22, 56 Pitt Street, SYDNEY 2000