



26<sup>th</sup> May 2006

**Mr Chris Wilson**

A/Executive Director

Office of Sustainable Development Assessments and Approvals

NSW Department of Planning

23-33 Bridge St

Sydney NSW 2000

**Reference:** A. Dept of Planning Letter of 9 May 06, request for Submissions Report re Proposed Capital Wind Farm (PA No. 05\_0179).

Dear Sir,

As requested in Ref A, the following report is Renewable Power Ventures (RPV) response to issues raised in CASA's submission to the Department of Planning. CASA has requested that 'as constructed' details of the wind farm be provided by RPV once constructed. RPV has stated in the EA that this information will be provided.

In regards to the issue of lighting, RPV makes the following points:

- a. **References.** CASA has included in its submission, Section 9.4, of the Manual of Standards Part 139, Subpart 139.E of the Civil Aviation Safety Regulations (CASR) 1998 and a draft AC 139-18(0). All regulations and standards produced by CASA are subject to the Civil Aviation Act 1998. Part VIII, Section 98 (3) (g) of the Act enables regulation for lighting of obstacles and hazards *in the vicinity of an aerodrome*.
- b. **Wind Farm not in Vicinity of an Aerodrome.** CASR 1998 Part 139 – Aerodromes. As the name suggests, Part 139 refers to the operation of aerodromes. This extends to operations in the vicinity of aerodromes. The Manual of Standards Part 139, Ch 9, Para 9.1.3.1 defines 'vicinity' of an aerodrome as 6km. AC 139-18(0), Para 5.3 DRAFT defines 'vicinity' of an aerodrome as 15km. The nearest turbines are 30km from Canberra Airport and 37km from Goulburn Airport, being the two closest aerodromes. No part of Capital Wind Farm is remotely within the vicinity of an aerodrome.
- c. As such, RPV believes that conclusion drawn from the above references by CASA, being that lighting is required due to the structures being taller than 110m is not supported by CASA's standards. This is because the references are referring to locations within the vicinity of an aerodrome, which Capital Wind Farm is not.
- d. **Definition of Obstacle.** The Manual of Standards Part 139 Chapter 7 Para 7.1.1.2 defines an obstacle as:

- (a) any object that stands on, or stands above, the specified surface of an obstacle restriction area which comprises the runway strips, runway end safety areas, clearways and taxiway strips; and
  - (b) any object that penetrates the obstacle limitation surfaces (OLS), a series of surfaces that set the height limits of objects, around an aerodrome.
- e. **Hazards.** In accordance with the Manual of Standards Part 139 Ch 7 Para 7.1.5.2, only structures taller than 150m are automatically deemed to be a hazard and therefore require lighting (Capital Wind Farm is well below this height). Further, under the Civil Aviation Act 1998, CASA does not have the authority to require lighting on structures outside of the Outer Horizontal Surface of the governing Obstacle Limitation Surface (OLS). The OLS may only extend to a maximum distance of 15 km (Para 5.3 and Manual of Standards Part 139 Ch 7 Para 7.3.2.2).
- f. **Lowest Safe Altitude (LSALT).** The LSALT is a regulated altitude below which pilots must not descend. This altitude will always be at least 1000 ft above the highest terrain or structure in the area, which in the case of Capital Wind Farm, may be the highest wind turbine or a surrounding feature such as Allianoyonyiga Trig (the turbine locations and altitudes will be released in a NOTAMs and registered by the RAAF for public reference). In the vast majority of flights over this area, the altitude is at least a few thousand metres, particularly at night.
- g. **Terrain not deemed a Hazard or Obstacle.** The fact that the many existing prominent hills in the area are not deemed to be an obstacle or a hazard and therefore are not marked, whilst peaking at altitudes well above the large majority of the wind turbines, is also significant in demonstrating that the wind turbines themselves are not a hazard or obstacle and therefore do not require lighting. Governors Hill is within 3,000m of 17 of the proposed turbines. Its peak (902m) is higher than the blade tip for 13 of these turbines and within 20m of another four turbines max height. However, there is no obstacle lighting provided on this feature. A number of even larger features are also present within 7 km of the wind farm, none of which have been deemed an obstacle or hazard or had lighting installed.

CASA's submission did not find that the wind farm would be a hazard or an obstacle, nor is the wind farm located within the vicinity of an aerodrome, or in proximity to airspace used by aircraft at night. The wind farm is also located in hilly terrain, where numerous local features are taller than most of the turbines. These terrain features have never been deemed to be an obstacle or hazard and are not marked by lighting. There appears to be no justification for a recommendation to require lighting on turbines at Capital Wind Farm.

Yours sincerely,



**David Griffin**

CEO