



NSW GOVERNMENT
Department of Planning

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Our ref: S04/01018/1

Mr David Griffin
CEO
Renewable Power Ventures Pty Ltd
Level 38, 2 Park Street
SYDNEY NSW 2000

Dear Mr Griffin

Subject: Capital Wind Farm Near Tarago – Director-General’s Requirements

I refer to the Department’s previous correspondence dated 10 August 2005 regarding the above project’s assessment under Part 3A of the *Environmental Planning and Assessment Act, 1979* (EP&A Act). With regard to the Director General’s requirements for the Environmental Assessment, this letter replaces the advice given in the previous correspondence.

Pursuant to clause 8J(1) of the *Environmental Planning and Assessment Regulation 2000*, the Director-General hereby adopts the requirements previously issued on 24 September 2004 subject to certain modifications, as Director-General’s requirements for the Capital Wind Farm project. These modifications include reference to certain administrative matters under Part 3A of the EP&A Act and the need to focus on key environmental issues including:

- visual impacts on the broad landscape that is going to be intruded upon, and the effect on individual residences;
- operational noise impacts taking into account the South Australian Environmental Protection Authority’s *Wind Farms: Environmental Guidelines* (2003);
- impacts on cultural heritage in accordance with the draft *Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation* (July, 2005), prepared by the Department of Environment and Conservation;
- impacts on threatened species in accordance with the draft *Guidelines for Threatened Species Assessment* (July, 2005), prepared by the Department of Environment and Conservation and the Department of Primary Industries; and
- providing a clear and substantiated explanation of the likely power output taking account of capacity factors, National Electricity Market operations, what other fuel sources will genuinely be displaced, and likely overall greenhouse gas benefits. Also any implications for reserve generating capacity should be discussed.

The modified Director-General’s requirements are attached.

Please contact Paul Weiner if you have any inquiries.

Yours sincerely

Chris Wilson
Acting Deputy Director General
Sustainable Development Assessments and Approvals
As delegate for the Director-General

CAPITAL WIND FARM

ENVIRONMENTAL ASSESSMENT REQUIREMENTS UNDER PART 3A OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Project	The proposed wind farm would include up to 63 x 2.1 MW turbines. A substation will be constructed on site and connect to the TransGrid 330 kV transmission line that traverses the southern boundary of the project area.
Site	Located west of the village of Tarago over an area 7 km from east to west and 11 km north to south. The site is located within the Palerang Council.
Proponent	Renewable Power Ventures Pty Ltd
Date of Expiration	These Environmental Assessment requirements expire 24 September 2006.
General Requirements	<p>The Environmental Assessment must include:</p> <ul style="list-style-type: none"> • an executive summary; • a description of the proposal, including construction, operation, and any staging; • details of the location of the project and environmental planning provisions applicable to the site and the project; • consideration of alternatives to the project; • an assessment of the environmental impacts of the project, with particular focus on the key assessment requirements specified below; • proposed mitigation/ management measures of residual environmental impacts; • justification for undertaking the project with consideration of the benefits/ impacts of the proposal, and proposed management/ mitigation/ monitoring; • a draft Statement of Commitments for environmental mitigation, management and monitoring for the project; and • certification by the author of the Environmental Assessment that the information contained in the Environmental Assessment is neither false nor misleading.
Key Assessment Requirements	The Environmental Assessment must assess the issues specified in the Director-General's requirements previously issued to you on the 24 September 2004.
Consultation Requirements	<p>You must undertake an appropriate and justified level of consultation with the following parties during the preparation of the Environmental Assessment:</p> <ul style="list-style-type: none"> • Commonwealth Department of Environment & Heritage; • Environment ACT; • Civil Aviation Safety Authority; • Department of Defence; • Department of Primary Industries; • Department of Environment & Conservation; • Department of Natural Resources; • Department of Energy, Utilities and Sustainability; • Department of Lands – regarding whether there are any issues associated with Crown land; • NSW Health (Environmental Health Branch) – regarding magnetic fields; • Roads and Traffic Authority; • Relevant Catchment Management Authorities; • Country Energy; • Aerial Agricultural Association of Australia; • Relevant Local Aboriginal Land Councils and tribal representatives; • Taylors Creek Rural Fire Service; • Palerang Council; • Goulburn Mulwaree Council; • Local Aircraft Landing Area Owners; and • Relevant Landcare groups. <p>The Environmental Assessment must clearly indicate issues raised by stakeholders</p>

	during consultation, and how those matters have been addressed in the Environmental Assessment.
Landowners Information	When submitting the Environmental Assessment for an adequacy check under Section 75H(1) of the EP&A Act: (a) the consent of the landowner should be provided if required under Section 8F of the Regulations; and (b) the proponent is to provide mailing details of adjoining landowners and occupiers for all properties marked on a map.
Exhibition of EA and notification requirements	Pursuant to Section 75H(3) of the EP&A Act, the Environmental Assessment must be exhibited for a minimum of 30 days.
Peer Review	Not required at this stage.
Panels constituted under s75G	No Panels are required at this stage.
Deemed refusal period	Pursuant to clause 8E(2) of the EP&A Regulation, the deemed refusal period for the project will be 120 days.



Department of
Infrastructure, Planning and Natural Resources

Mr David Griffin
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Dear Mr Griffin

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Our Ref: S04/01018 Pt 1
Your Ref:

Proposed 200 MW Capital Wind Farm Project, near Tarago (Southern Tablelands)

I refer to your letter of 20th August, 2004, seeking the Director-General's requirements for the preparation of an Environmental Impact Statement (EIS) for the above development proposal.

It is understood that the proposal will consist of the following:

- 100 - 133 wind turbine generators (installed capacity of 200 MW, producing approximately 710 GW per annum);
- erection of each turbine generator on approximately 80m high towers with three blades of 41 to 50m length;
- construction of a sub-station on site within 100m of the existing TransGrid 330kV transmission line that traverses the southern boundary of the project area;
- underground cabling;
- a network of service roads to provide access to each wind turbine generator.

It is also understood that the proposed transmission line that will connect the substation to TransGrid's network will not form part of the development application. Nevertheless, sufficient information should be included in the EIS to demonstrate its likely impacts.

Attachment No. 1 outlines the statutory matters that must be included in any EIS under clauses 71 and 72 of the *Environmental Planning and Assessment Regulation 2000* (the Regulation).

Under clause 73(1) of the Regulation, the Director General requires the EIS to address the issues listed below. You should note however, that clause 73(6) of the Regulation requires you to re-consult the Director General in relation to the preparation of the EIS if the development application is not made within two years of the date of this letter.

General Considerations

- Consideration of relevant Acts, policies and strategies including the:
 - State Environmental Planning Policy No 58 – Protecting Sydney's Water Supply (noting, in particular, the matters specified in clauses 11(3) and 11(4) of the SEPP);
 - State Environmental Planning Policy No. 44 – Koala Habitat Protection;
 - Sydney Catchment Authority's draft publication entitled *Sustaining the Catchments – The Regional Plan for the drinking water catchments of Sydney and adjacent regional centres*;
 - Warragamba Catchment Blueprint;
 - NSW Heritage Office's publication entitled *Wind Farms & Heritage Policy (draft)*;
 - Australian Wind Energy Association and Australian Council of National Trust's draft issues paper entitled *Wind Farms and Landscape Values*;
 - Australian Greenhouse Office and Australian Wind Energy Association's publication entitled *Best Practice Guidelines for Implementation of Wind Energy Projects in Australia*;
 - CASA's Draft Advisory Circular AC 139 -18 (0), June 2004 *Obstacle Marking and Lighting of Wind Farms*;
 - Rivers and Foreshores Improvement Act;
 - Water Management Act;
 - Native Vegetation Conservation Act;
 - Mulwree LEP 1995;

- Yarrolumla LEP 2002; and
- Tallaganda LEP 1991.
- A water cycle management study prepared in respect of the development that addresses the following matters:
 - pre-development and post-development run off volumes and pollutant loads from the site of the proposed development;
 - the assessment of the proposed development against the matters for consideration specified in clause 10 of SEPP 58;
 - the impacts of the development on receiving waters;
 - the water cycle management strategies and best management practices proposed to be employed to address those impacts; and
 - the arrangements to be made for the ongoing maintenance and monitoring of the water cycle management system.
- Relationship and consistency with relevant NSW and Commonwealth policies on energy management and greenhouse gas emissions.
- Relationship to the electricity grid, ie. distance to the grid, capacity of the grid to accept power, opportunities to share infrastructure.
- Project staging.

Specific Issues

- Consideration of those matters raised by participants at the Planning Focus Meeting held on 21st June, 2004 and recorded in the Notes to that meeting.
- Site layout and maps showing scale of development and relationship to any existing development and known current development proposals (eg wind farms) in the surrounding area.
- Justification for locating the proposal on this site.
- An assessment of the:
 - noise impacts undertaken in accordance with the attached guideline *Wind Farms – Environmental Noise Guidelines*, South Australian Environment Protection Authority (February 2003), and “infrasound”;
 - visual impacts associated with the proposal (both turbines and along grid connection route) and a discussion of proposed mitigation measures (Note: The visual impact assessment should be illustrated with photomontages, taken from strategic vantage points (both public and private), of the turbine installations and transmission lines, and any structures associated with the connection to the transmission line, and those elements of the proposal that may have a cumulative visual impact in this locality taking into account any adjacent wind farm proposals). Blade “flicker” and blade “glint” should be addressed as part of the assessment;
 - site suitability and capability for the proposal with particular regard to soil erosion potential;
 - traffic and access considerations noting in particular the proposed routes and any alterations to tracks and roads that may be required to transport heavy, wide and long loads eg. towers, turbines, and blades;
 - potential impacts from the turbines and transmission lines on birds and bats from strikes;
 - potential impacts from the turbines and transmission lines on bird and bat flight movement and behaviour that could affect their survival. This should include consideration of any bird movement between Lake George and Lake Bathurst;
 - measures proposed to be adopted to offset impacts resulting from construction activities, eg. earthworks, vegetation clearing, track construction etc;
 - any electric and magnetic field impacts on health, and means of minimising such. A demonstration of compliance with “prudent avoidance principles” should be provided;
 - any other potential health effects;
 - any lighting requirements particularly those required for aviation safety and security of the site;
 - impacts on air navigation;
 - electromagnetic interference;
 - any risk/hazard issues, including bushfire risk/management and chemical use;
 - direct and indirect property and land use impacts. Details should be provided for any land which may require acquisition or establishment of an easement. Also, consideration must be given to any on-

site and off-site impacts which would restrict current and future land uses. The means of overcoming (eg. buffers) or compensating for such restrictions should be identified; and benefits to local area.

- Identification and discussion of any indigenous and non-indigenous cultural heritage issues.
- Outline of Environmental Management Plans with reference to construction and operation stages. Monitoring, auditing, and reporting procedures should also be described.
- An assessment of impacts to flora and fauna, particularly critical habitats, threatened species, populations, ecological communities, and their habitats listed under the *Threatened Species Conservation Act 1995* (TSC Act) and the Fisheries Management Act 1997 (FM Act)¹: The assessment should involve the following steps:
 - i) conduct baseline surveys, and consult relevant databases and listings by scientific committees established under the TSC Act and FM Act;
 - ii) identify any applicable *assessment guidelines* issued and in force under Section 94A of the TSC Act or, subject to Section 5C of the EP&A Act, and Section 220ZZA of the FM Act;²
 - iii) describe the types and condition of habitats in, and adjacent to, the land to be affected by the proposal;
 - iv) prepare a list of species and vegetation communities that were recorded in the study area and adjacent areas. Also identify which threatened species, populations and ecological communities are likely to occur based on the presence of suitable habitat and/or previous sightings;
 - v) apply an Assessment of Significance (under section 5A of the EP&A Act) to each threatened species, population or ecological community, or their habitats, that may be affected by the proposal. The EIS must justify any decision to not apply this test to all of the threatened species, populations or ecological communities identified in step iv);
 - vi) prepare a Species Impact Statement for any critical habitats and threatened species, populations or ecological communities, or their habitats that are likely to be significantly affected by the proposal (note: A SIS must be prepared in accordance with any requirements of the Director-General of the Department of Environment and Conservation and/or Director-General of the Department of Primary Industries).

The Department's draft EIA Guidelines entitled *NSW Wind Energy* (June 2002) and *Network Electricity Systems and Related Facilities* should also be consulted in the preparation of the EIS (see attachments).

Integrated Development

Development Applications (DAs) are "integrated development" where certain licences or approvals are required from bodies other than the consent authority. You have identified the Department of Environment and Conservation (DEC), and the Department of Infrastructure, Planning and Natural Resources (DIPNR) as integrated approval bodies. The DEC's advice is attached.

If further integrated approvals are identified before the Development Application is lodged, you must consult with the relevant agencies to identify their requirements for the EIS. You should particularly consider whether the Department of Lands may be an integrated approval body (road works affecting a Crown Road – refer to the Roads Act 1993). Based on your advice, the Councils would also be integrated approval bodies should the proposal be State Significant Development.

You must ensure that when you lodge your Development Application and supporting documentation with the consent authorities that you include:

- sufficient copies for each of the approval bodies; and
- a cheque, for a fee of \$250, made payable to each of the agencies from whom you need an integrated approval.

¹ Environmentally sound practice requires the proposal to be modified, if possible, to avoid a significant effect on threatened species, populations, and ecological communities or their habitats.

² On 2nd October, 2002 the *Threatened Species Conservation Amendment Act 2002* was assented to. The provisions of the Act will commence progressively. The reference to *assessment guidelines* reflects the provisions of the new Act.

Concurrence

The concurrence of the Chief Executive of the Sydney Catchment Authority will be required unless the proposal is made State Significant Development.

Consultation

You should consult with the Eastern Capital City Regional Council and Greater Argyle City Council and take into account any comments these councils may have in the preparation of the EIS. The EIS should also address other issues that emerge from consultations with relevant local, State and Commonwealth government authorities, service providers and community groups including:

- Commonwealth Department of Environment & Heritage;
- Civil Aviation Safety Authority;
- Department of Infrastructure, Planning and Natural Resources (formerly Department of Land and Water Conservation);
- Department of Primary Industries (Fisheries and Agriculture);
- Department of Environment and Conservation (formerly National Parks and Wildlife Service and the Environment Protection Authority);
- Department of Utilities, Energy and Sustainability;
- Department of Lands;
- Roads and Traffic Authority;
- Rail Corporation;
- Sydney Catchment Authority
- NSW Health (Environmental Health Branch) – regarding magnetic fields.
- TransGrid;
- Country Energy;
- Relevant Local Aboriginal Land Councils;
- Ngunawal and Pejar tribal representatives;
- Pejar Landcare; and
- Relevant Catchment Management Authorities

Under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), approval of the Commonwealth Minister for the Environment and Heritage is required for actions that may have a significant impact on matters of National Environmental Significance³, except in circumstances which are set out in the EPBC Act. Approval from the Commonwealth is in addition to any approvals under NSW legislation.

Please contact Rebecca Newman (telephone 02 9762 8151) should you have any queries about this matter.

Yours sincerely

Wille Osborne

f Mark Hather 24/9/04
 Director
 Major Infrastructure Assessment
 As Delegate for the Director General

³ Matters of National Environmental Significance under the EPBC Act are:

- i) World Heritage properties;
- ii) RAMSAR wetlands;
- iii) threatened species or ecological communities listed in the EPBC Act;
- iv) migratory species listed in the EPBC Act;
- v) the environment in a Commonwealth marine area;
- vi) nuclear actions; and
- vii) national heritage places.