

## Nicole Brewer

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**From:** Phillip Newham <pnewham@upperlachlan.nsw.gov.au>  
**Sent:** Tuesday, 26 April 2016 12:24 PM  
**To:** Nicole Brewer  
**Cc:** Tina Dodson; John Bell  
**Subject:** RE: Collector Wind Farm - conditions

Good Afternoon Nicole

As we discussed by telephone earlier today, ULSC is happy with the new conditions as described below. ULSC is also happy to allow the developer to use Lerida South Road to access the development from the Hume Highway to the last entrance to the development. Please note that Council will not permit the use of the entire length of Lerida South Road.

### **Phil Newham**

Director of Works and Operations  
Upper Lachlan Shire Council  
02 4830 1000

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**From:** [nicole.brewer@planning.nsw.gov.au](mailto:nicole.brewer@planning.nsw.gov.au) [<mailto:nicole.brewer@planning.nsw.gov.au>]  
**Sent:** Friday, 15 April 2016 5:07 PM  
**To:** Phillip Newham  
**Subject:** Collector Wind Farm - conditions

Phil

Thank you for liaising with Ratch.

The conditions have been updated below to reflect your comment. The changes:

- consolidate original 20A a) and b) into a)
- amend 25 c) to reflect only the requirement for prohibiting right hand turns

I have also attached a copy of the conditions.

### **Road Safety Upgrades**

**D20A** Prior to the commencement of construction, the Proponent shall upgrade Lerida Road South to the satisfaction of Council. Unless otherwise agreed by Council, the upgrade works must include:

- (a) sealing and widening of Lerida Road South from the Hume Highway to a point 250 metres south of the southernmost site crossing point;
- (b) offset T-intersections at each of the site crossing points with Lerida Road South to ensure safety;
- (c) installing new fencing (or maintain the existing fencing) along both sides of Lerida Road South from the Hume Highway to a point approximately 250 m south of the southernmost crossing point to ensure safety; and
- (d) relocating the intersection of the access road between turbine 12 and 16 and between turbine 17 and 31 at least 125 m and up to 250 m away from Lerida Road South, if practicable.

D25 (c)

**Construction Traffic and Access Management Plan** to manage construction traffic and access impacts of the Project. The plan shall be developed in consultation with the relevant road authority and shall include, but not necessarily be limited:

- i. identification of construction traffic routes and construction traffic volumes (including heavy vehicle/ spoil haulage) on these routes;
- ii. details of vehicle movements for construction sites and site compounds including parking, dedicated vehicle turning areas, and ingress and egress points;
- iii. identification of construction impacts that could result in disruption of traffic, public transport, pedestrian and cycle access, property access, including details of oversize load movements;
- iv. details of management measures to minimise traffic impacts, including temporary road work traffic control measures, onsite vehicle queuing and parking areas and management measures to minimise peak time congestion and measures to ensure safe pedestrian and cycle access;
- v. a response plan which sets out a proposed response to any traffic, construction or other incident;
- vi. mechanisms for the monitoring, review and amendment of this plan;
- vii. clearly stating no construction traffic is permitted to access the project site via Lerida Road South from a southerly direction, Collector Road and Marked Tree Road;
- viii. prohibiting heavy vehicle movements through the village of Collector during morning and afternoon school periods;
- ix. **prohibiting heavy vehicle right hand turns from Lerida Road South to the Hume Highway.**

It would be appreciated if you would provide any comments you may have on the recommended changes as soon as practicable.

Please do not hesitate to call me on 9228 6374 if anything requires further clarification.

Regards

Nicole

## **Nicole Brewer**

**Team Leader | Resource Assessments | Planning Services**

Department of Planning & Environment GPO Box 39 Sydney NSW 2001

T 02 9228 6374 E [nicole.brewer@planning.nsw.gov.au](mailto:nicole.brewer@planning.nsw.gov.au)

**\*\*My regular work days are Tuesday, Thursday and Friday**



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**From:** Phillip Newham [<mailto:pnewham@upperlachlan.nsw.gov.au>]

**Sent:** Friday, 15 April 2016 11:53 AM

**To:** Neil Weston; Nicole Brewer

**Cc:** Tina Dodson; John Bell

**Subject:** RE: CWF - use of Lerida Road South

Good Morning Neil

Your comments about the access off LRS are essentially correct. The following points illustrate ULSC's understanding of the situation:-

- ULSC required the original condition (D24(c) ix) as Ratch had indicated that it wasn't prepared to improve all of LRS that might have been able to be used to access the development ;
- As the project has developed, it is clear that all areas of the site cannot be accessed without using additional parts of LRS in one way or another;
- ULSC considers that it would be safer (and more convenient) if LRS was updated to the required standard to a point that is 250m beyond the last access point as per D20A;
- If Ratch upgraded the greater length of LRS (as described in the point above) to Council's required standard ,it would be unreasonable to require Ratch to also comply with D24(c)ix and D24 (c) i;
- The requirement to prohibit heavy vehicle right hand turns at the LRS/Hume Highway intersection (D24(c) ii) is a requirement of RMS.As it relates to the space available for heavy vehicles to queue between the Melbourne bound and Sydney bound lanes of the Hume Highway, ULSC is unable to comment on it other than to say that it needs to remain.
- ULSC also notes that it may be simpler for conditions D20 (a) and(b) to be combined ,however staff at Planning N.S.W. advise that there are procedural reasons as to why this may not be possible.
- ULSC also considers that would be almost impossible for any developer ,contractor and sub contractor to ensure that all persons on the site complied with condition D24 (c) i. Further this condition would be the cause of many potential complaints to ULSC and Planning N.S.W. compliance unit.

Regards

**Phil Newham**

Director of Works and Operations  
Upper Lachlan Shire Council  
02 4830 1000

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**From:** Neil Weston [<mailto:Neil.Weston@ratchaustralia.com>]  
**Sent:** Thursday, 14 April 2016 5:32 PM  
**To:** Phillip Newham  
**Cc:** [nicole.brewer@planning.nsw.gov.au](mailto:nicole.brewer@planning.nsw.gov.au)  
**Subject:** CWF - use of Lerida Road South

Hi Phil

Appreciate your call back today - as per my previous emails my objective had been to progress discussions on the work / design proposals for the intersections proposed for Lerida Road South and the subsequent steps for finalising approvals etc.

However, in advance of that, we have had some discussions with the Department of Planning & the Environment about the proposed draft conditions for the CWF modification application. I understand some of those discussions have also been extended to ULSC, specifically around the requirements / expectations for the use and upgrade of Lerida Road South.

We have been provided with draft conditions with regards to LRS (as attached), essentially which require the upgrade (surfacing / widening to [suggested] 6.5m, ie to the standard required for construction vehicle use) of LRS to a point 250m south of the last intersection; but also require the use of the single site access point at the northern end of the site.

However, there seems some inconsistency between these two requirements – single site access on the basis that there is no further use of LRS, or full LRS upgrade on the basis that other sections will be used in the construction operation of the project LRS.

Our discussions with the Department have indicated that the draft conditions are based on addressing Council's concerns about managing safety in the use of LRS, and a view that the full LRS upgrade is necessary because of the challenges of ensuring that LRS (beyond the site access point) is not used by project traffic.

On that basis, it would seem that if the project is required to upgrade the defined length of LRS to a standard suitable for use by construction traffic (as per D20A) then the justification / requirement of condition D24 (c) ix about only having a single site access point can no longer be valid.

Again, our broad discussions with the Department has suggested that the Council recognises this, and that the full upgrade of LRS to a point 250m south of the last intersection hence allowing use of that length of LRS and access on to the site from the proposed intersections for construction / operations traffic would satisfy the expectations of Council in managing use of Lerida Road South and minimising associated safety issues.

We are keen to ensure that this matter is resolved to the satisfaction of all parties, to allow the modification assessment to progress through the planning process – and to that end I would be keen to set up a time to discuss this in more detail with the Council, which will allow for drafting an agreed response / position to the Department. Once we have finalised that, we would then be keen to progress further discussions on the design work for LRS and the next stages of approvals etc.

I am happy to discuss at your convenience, whether over the phone or face-to-face – please let me know what suits you best.

Thanks again for your assistance in progressing the project as we continue to push toward final development and construction.

Best Regards, Neil  
**Neil Weston**  
Project Development

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## Nicole Brewer

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**From:** Allison Treweek on behalf of ROG South East Region Mailbox  
**Sent:** Monday, 2 May 2016 8:57 PM  
**To:** Nicole Brewer  
**Subject:** FW: revised email for Nicole Brewer - RE: Conditions of Consent - Collector Wind Farm - OEH response

Dear Nicole,

Thank you for sending the information on Collector Wind Farm Mod Conditions of Consent. OEH has a few comments, questions and recommendations which are detailed below. As a general comment, there are some problems with the numbering of conditions in the Consolidated Consent document you attached. Also the numbering is different in your attachment and your email.

### Aboriginal cultural heritage (ACH)

We are satisfied with the draft conditions proposed for Heritage (conditions A7 to A10 in your email).

Can you provide clarification regarding the following condition as we are concerned that it may be open to interpretation;

#### **Micro-siting Restrictions**

A8B The Proponent may micro-site the wind turbines and ancillary infrastructure without further approval provided:

- (a) no wind turbine or ancillary infrastructure is moved more than 100 metres from the locations shown on the figures in Attachment 2;

It is not clear as to whether micro-siting up to 100 metres would allow for construction, without further approval, in areas that have not been previously surveyed for Aboriginal cultural heritage impacts? Additional Aboriginal cultural heritage surveys may still be required as part of micro-siting and further approval required if those surveys uncover Aboriginal heritage objects.

We suggest the following inclusion;

#### **Micro-siting Restrictions**

A8B The Proponent may micro-site the wind turbines and ancillary infrastructure without further approval provided:

- (a) no wind turbine or ancillary infrastructure is moved more than 100 metres from the locations shown on the figures in Attachment 2 **and is not moved into areas not previously assessed for Aboriginal cultural heritage impacts;**

### BIODIVERSITY (condition numbers in this section refer to your attachment)

#### **Condition B1 - Area of impact / road width calculation**

OEH considers that the information provided in the tables you sent yesterday indicate that the impact calculations have used appropriate road width calculations (an average of 11.45m, rather than the 9-10m previously stated in the Mod report).

**B3** - Condition A2 refers to Condition B3 which has been deleted

**B7** - OEH recommends that Condition B7 be amended:

Within 2 years of the commencement of construction, unless otherwise agreed by the Secretary, the Proponent shall retire biodiversity credits of a number and class specified in Table 1B below to the satisfaction of OEH.

The retirement of these credits must be carried out in accordance with the NSW Biodiversity Offsets Policy for Major Projects, and **the approved Offset Plan for Collector Wind Farm.**

**Virginia Thomas**  
Biodiversity Conservation Officer  
South East Region Planning Team  
Regional Operations Group  
**Office of Environment and Heritage**

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Level 3 11 Farrer Place  
PO Box 733 QUEANBEYAN NSW 2620  
W: [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)

*Please note I work part-time Monday – Thursday*

In order to ensure a high level of customer service and monitor work flow, the Office of Environment and Heritage (OEH) South East Planning Team has a new email address: [rog.southeast@environment.nsw.gov.au](mailto:rog.southeast@environment.nsw.gov.au). Please address all further email correspondence in relation to Planning and Aboriginal cultural heritage regulation matters to this address. If appropriate, emails can be marked to the attention of your usual contact in the team.

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**From:** Nicole Brewer  
**Sent:** Tuesday, 19 April 2016 1:35 PM  
**To:** Allison Treweek  
**Subject:** Collector Wind Farm - OEH response

Allison

OEH correspondence of 13 November 2015 provides comment on the Collector Wind Farm (10\_0156 MOD 1).

The Department is seeking confirmation from OEH that proposed conditions are satisfactory to OEH for this modification.

Notes:

- Ratch confirmed that they have received no comment or feedback from Registered Aboriginal Parties (see **attached** email) and impacted sites have been updated in the recommended conditions (see below and **attached**)
- Additional surveys were conducted for the response to submissions report and the proponent considers that this completes the surveys required.
- Biodiversity impacts and the offset have been addressed through the recommended conditions (see below and **attached**)
- Micro-siting is addressed in the recommended conditions in new conditions (A8B) but reflects the existing conditions (A3-A5) in the contemporary format

Thanks and regards  
Nicole

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**Recommended Conditions:** (red indicates changes for this modification)

**Micro-siting Restrictions**

A8B The Proponent may micro-site the wind turbines and ancillary infrastructure without further approval provided:

- (a) no wind turbine or ancillary infrastructure is moved more than 100 metres from the locations shown on the figures in Attachment 2;
- (b) ensure that the revised location of the turbine is at least 60 metres from existing hollow-bearing trees, unless the Secretary agrees otherwise; and
- (c) the revised location of the wind turbine and/or ancillary infrastructure would not result in any non-compliance with the conditions of this consent.

**BIODIVERSITY**

**Clearing**

A1 The clearing of all native vegetation is to be limited to the minimal extent practicably required. Details regarding the procedures for clearing vegetation and minimising the extent of clearing shall be clearly included in the Construction Flora and Fauna Management Plan contained in condition D25 (f).

No more than the area specified in Table 1 is to be cleared, unless otherwise agreed by the Secretary in consultation with OEH.

**Table 1. Impacts to EEC**

	<b>Box Gum Woodland and Derived Grassland EEC</b>
<b>Amount impacted (ha)</b>	<b>36.9</b>

A2 Tree trunks and major branches from cleared areas should be used, to the fullest extent practicable, to enhance habitat (coarse woody debris) in rehabilitated areas or derived native grassland (either in offset areas or areas adjoining impacted areas) and details contained within the Construction Flora and Fauna Management Plan contained in condition D25(f).

- A3 Deleted
- A4 Deleted
- A5 Deleted

**BIRD AND BAT MONITORING AND MANAGEMENT**

B6 - unchanged

**RETIREMENT OF CREDITS**

A6 Within 2 years of the commencement of construction, unless otherwise agreed by the Secretary, the Proponent shall retire biodiversity credits of a number and class specified in Table 1B below to the satisfaction of OEH.

The retirement of these credits must be carried out in accordance with the *NSW Biodiversity Offsets Policy for Major Projects*, and can be achieved by:

- (a) acquiring or retiring credits under the biobanking scheme in the TSC Act;
- (b) making payments into an offset fund that has been established by the NSW Government; or
- (c) providing suitable supplementary measures.

**Table 1B: Ecosystem credit requirements**

<b>Homogenous Vegetation Zone</b>	<b>Condition</b>	<b>Total Habitat Loss (ha)</b>	<b>Ecosystem Credits Required</b>

Blakely's Red Gum - Yellow Box grassy woodland of the NSW South Western Slopes Bioregion (LA120) - Tree cover high diversity	Moderate to good	2.36	113
Blakely's Red Gum - Yellow Box grassy woodland of the NSW South Western Slopes Bioregion (LA120) - Tree cover low moderate diversity	Moderate to good	7.93	109
Blakely's Red Gum - Yellow Box grassy woodland of the NSW South Western Slopes Bioregion (LA120) – Derived grassland high diversity	Moderate to good	4.43	111
Blakely's Red Gum - Yellow Box grassy woodland of the NSW South Western Slopes Bioregion (LA120) – Derived grassland low-moderate diversity	Moderate to good	22.23	222
Red Stringybark - Scribbly Gum - Red Box - Long-leaved Box shrub - tussock grass open forest of the NSW South Western Slopes Bioregion (LA182) – Tree cover	Moderate to good	0.61	29
Red Stringybark - Scribbly Gum - Red Box - Long-leaved Box shrub - tussock grass open forest of the NSW South Western Slopes Bioregion (LA182) - Derived grassland	Moderate to good	0.78	7

#### HERITAGE

- A7 This approval does not allow the Proponent to destroy, modify or otherwise physically affect human remains as part of the project.
- A8 In undertaking the Project, impacts to heritage, shall to the greatest extent practicable, be avoided and minimised. In particular the Proponent shall:
- (a) clearly identify and avoid the following sites described in the EA:
    - i. Survey Unit 29, Locale 1;
    - ii. Survey Unit 37, Locale 1;
    - iii. Survey Unit 37, Locale 2;
    - iv. Survey Unit 42, Locale 1;
    - v. Survey Unit 45, Locale 1;
    - vi. Survey Unit 1, Locale 1; and
    - vii. Survey Unit 54, Locale 1;
and include methods for restricting access to these sites as part of the Construction Heritage Management Plan required by condition D25(e); and
  - (b) Where the Project impacts on other heritage items, assessed in the EA as being unavoidable, works shall be undertaken in accordance with the strategy outlined in the Construction Heritage Management Plan required by condition D25(e).
- A9 If during the course of construction the Proponent becomes aware of any previously unidentified Aboriginal object(s), all work likely to affect the object(s) shall cease immediately and the OEH informed in accordance with section 89A of the National Parks and Wildlife Act 1974. Relevant works shall not recommence until written authorisation from the Secretary advising otherwise is received by the Proponent.
- A10 If during the course of construction the Proponent becomes aware of any previously unidentified heritage object(s), all work likely to affect the object(s) shall cease immediately and the Heritage Branch of OEH shall be notified immediately in accordance with section 146 of the NSW *Heritage Act 1977*. Relevant works shall not recommence until written authorisation from the Secretary advising otherwise is received by the Proponent.

**Nicole Brewer**

**Team Leader | Resource Assessments | Planning Services**

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