



Australian Government
Department of Defence
Defence Support Group



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2004/1044160/6
LPSI/OUT/2009/240

Mr Neville Osborne
Team Leader- Energy & Water
NSW Department of Planning
Bridge Street Office
GPO Box 39
SYDNEY NSW 2001

Department of Planning
Received
16 DEC 2009
Scanning Room

Dear Mr Osborne

RE: YASS WIND FARM (MP08_0246) – ENVIRONMENTAL ASSESSMENT (EA) EXHIBITION

Thank you for referring the Environmental Assessment (EA) for the Yass Wind Farm to the Department of Defence (Defence) for comment. Defence understands that the wind farm project will consist of a total of up to 152 wind turbines, at two sites known as 'Coppabella' and 'Marilba' located approximately 20-35km west of the town of Yass, NSW.

Defence has seen an earlier iteration of this proposal, and has previously provided comments to the proponent. For your information this advice is at Attachment A. Defence is pleased that its comments have been acknowledged in the EA submission, and overall, the Department of Defence has no concerns with the proposal at this time.

Thank you again for the opportunity to provide input. Should you wish to discuss the content of this letter further, please contact Jim Ponton, Executive Officer, Land Use Planning on (02) 6266 8186 or by email at jim.ponton@defence.gov.au.

Yours sincerely

John Kerwan
Director Land Planning & Spatial Information
Department of Defence
BP3-1-A052
Brindabella Park
Canberra ACT 2600

/c/ December 2009

Cc. RD DS SNSW



Australian Government
Department of Defence
Defence Support Group

2004/1044160/3
LPSI/OUT/2008/110

Mr Anthony Micallef
Eupuron Pty Ltd
Level 11, 75 Miller St
North Sydney, NSW, 2060

Dear Mr Micallef

RE: PROPOSED 'COPPABELLA' AND 'MARILBA' WIND FARMS WEST OF YASS, NSW

Thank you for referring the abovementioned wind energy projects to the Department of Defence (Defence) for comment. Defence understands that these projects will be located at two sites known as 'Coppabella' and 'Marilba' located approximately 20-30km west of the town of Yass, NSW. Defence further understands that the wind farm projects will consist of a total of 90 wind turbines at Coppabella Wind Farm and 80 wind turbines at Marilba Wind Farm.

As per your letter, Defence has performed its assessment based upon the wind turbines being situated atop 80m towers and using 105m diameter blades. The maximum height at the blade tip zenith will be up to 135m above ground level. As discussed in a phone call on 22 July 2008, Defence has also allowed for 1 wind monitoring mast at each site and associated works (including an electrical substation and overhead wiring to connect with the National Electricity Grid).

Defence has assessed the proposal with respect to any impact on the safety of military flying operations and possible interference to Defence communications and radars.

The proposed development will be outside any areas affected by the Defence (Areas Control) Regulations (DACR). The DACR control the height of objects (both man-made structures and vegetation) and the purpose for which they may be used within approximately 15km radius of Defence airfields. In addition, the proposal has been assessed as unlikely to affect existing Defence communications and radars in the region.

However, it should be noted that tall structures present a hazard to flight safety for low level flying operations. Consequently, there is an ongoing need to obtain and maintain accurate information about tall structures so that risks associated with inadvertent collision by low flying aircraft can be reduced. RAAF Aeronautical Information Service (RAAF AIS) in Melbourne is responsible for recording the location and height of tall structures. The information is held in a central database managed by RAAF AIS and relates to the erection, extension or dismantling of tall structures the top measurement of which is:

- a. 30 metres or more above ground level - within 30 kilometres of an aerodrome; or
- b. 45 metres or more above ground level elsewhere.

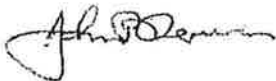
The proposed wind farm development will meet the above definition of tall structure. RAAF AIS has requested that the developer supply them with final design documentation before construction commences. After construction is complete, the Department of Defence requests that the developer provide RAAF AIS with "as constructed" details.

RAAF AIS has a web site with a Vertical Obstruction Report Form at www.raafais.gov.au/obstr_form.htm which can be used to enter the location and height details of tall structures. Any queries in regard to information about tall structures or the database should be directed to RAAF AIS.

The Civil Aviation Safety Authority (CASA) has produced an Advisory Circular, AC 139-18(0) *Obstacle Marking and Lighting of Wind Farms* dated July 2007, which provides amongst other things, guidance to proponents of wind farms. Wind turbines are tall structures which can be hazardous objects to aviation and AC 139-18(0) outlines measures on how to reduce the hazard including the use of obstacle marking and lighting. In accordance with the AC 139-18(0) CASA will need to be consulted on this proposal determination.

Overall, the Department of Defence has no concerns with the Coppabella Wind Farm and the Marilba Wind Farm at this time. Should you wish to discuss the content of this advice further, please contact Brenin Presswell, Executive Officer, Land Planning on (02) 6266 8128 or by email at brenin.presswell@defence.gov.au.

Yours sincerely



John Kerwan
Director Land Planning & Spatial Information
Department of Defence
BP3-1-A052
Brindabella Park
Canberra ACT 2600

5 August 2008

Cc. DSG - ACT/NSW
RAAF AIS
CASA



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YOL reference: S08/01553
OUL reference: FIL08/1869; DOC09/22462; DOC09/58831



PCU001525

Team Leader – Energy and Water
Major Infrastructure Assessments
Department of Planning
GPO Box 39
Sydney NSW 2001
Attention: Neville Osborne



Dear Mr Osborne

Re Yass Valley Wind Farm – Yass Valley and Harden Local Government Areas (MP 08_0246)

I refer to the Department of Planning (DoP) letter received 11 November 2009, requesting submissions from the Department of Environment, Climate Change and Water (DECCW) on the above major project and associated Environmental Assessment (EA).

DECCW provided an adequacy assessment to DoP on the Yass Valley Wind farm proposal (DOC09/22462) on 10 June 2009. While some significant changes have been made to the submitted EA, a number of issues that were raised in previous correspondence have not been addressed. These have therefore been included within this response.

Aboriginal Cultural Heritage

DECCW has reviewed the report titled "*Proposed Yass Valley Wind Farm Archaeological and Heritage Assessment*" prepared by Julie Dibden for NGH Environmental on behalf of Epuron and agrees with the archaeologist's recommendations and the Statement of Commitments and request they be a condition of consent.

DECCW has identified that the report does not discuss of any transmission easement that will be required to link the Copperbella and Marilba Precincts. The proponent should be advised that these easements will also require Aboriginal Cultural Heritage assessment.


Biodiversity

In assessing biodiversity assessments provided with part 3A major projects, DECCW, applies the *NSW Department of Planning Draft Part 3A Assessment Guidelines*. These guidelines indicate that developments should improve or maintain biodiversity values. The following comments are therefore provided with the aim of achieving an "improve or maintain" outcome for the proposal.

Impact on the Endangered Ecological Community, Yellow Box Gum Woodland

The report indicates that approximately 81 hectares of White Box Yellow Box Blakely's Red Gum Woodland (BGW) (*Marilba Environmental Assessment, p79 and Coppabella Hills Environmental Assessment, p126*) will be removed or impacted by the development. This level of impact is considered significant for an Endangered Ecological Community which is State and, in some cases, Commonwealth listed.





DECCW recommends that turbines and associated infrastructure be reduced and/or realigned to decrease the impact of the development on this community.

DECCW recommends the relocation of disturbance to avoid areas of BGW, especially those in moderate to good condition in accordance with the NSW Department of Planning Draft Part 3A Assessment Guidelines. These guidelines indicate that developments should improve or maintain biodiversity values, ie there is no net impact on threatened species, communities or native vegetation. If this level of impact remains, then the offset requirements will be significant as detailed in the Biodiversity Offsets section below.

Due to the need for clearing and routine vegetation maintenance, transmission easements are considered to be a permanent habitat loss in Box Gum Woodland, and do not meet the criteria of "maintain or improve". The proponent states that 12 hectares of BGW will be permanently impacted by the proposal, however DECCW considers transmission easements proposed in BGW (with trees) to be a permanent loss, not a modification as reported. Transmission easements require total tree removal and regular maintenance and therefore a complete loss of arboreal habitat. Taking this into consideration, the proponent is advised to re-calculate the permanent loss of BGW.

Transition easements that traverse Box Gum Woodland derived grassland are likely to meet the criteria of "maintain and improve" (with management), and therefore may not be considered as an area with permanent habitat loss.

The NSW Department of Planning Draft Part 3A Threatened Species Assessment Guidelines indicate in Step 4 the requirements for developments to avoid, mitigate, and as a last resort offset the impacts of the development on biodiversity values. The impacts from the proposed development are unable to meet an "improve or maintain" outcome. The two NSW government endorsed tools (the PVP Developer and Biobanking Credit Calculator) used to assess an "improve" or "maintain" environmental outcome resulting from a development proposal do not allow BGW in moderate to good condition to be cleared; i.e. they are red flagged. A red flag in either of these tools indicates that the species or community is unable to withstand further loss of habitat or individuals. If the BGW is in low condition, then these tools will allow an offset for this community at approximately a 10:1 offset ratio.

The EA inappropriately quantifies the revegetation of BGW after decommissioning (30 years) as a "zero" net loss in BGW. DECCW does not agree with this philosophy, because of the high potential to lose genetic diversity, limited rehabilitation success and that the time taken to reproduce current vales from seed will be far greater then 30 years. Also, there is a possibility the wind farm will be recommissioned rather than decommissioned after the current 30 year cycle. DECCW considers the area set out for revegetation after decommissioning to be a direct loss of BGW.

DECCW has concerns that the EA does not quantify the BGW condition in accordance with the existing government endorsed tools (PVP Developer and Biobanking Credit Calculator). Low-condition vegetation is where the native over-storey percentage of foliage cover is less than 25% of the lower value of over-storey percentage of foliage cover benchmark for that vegetation type, and less than 50% of ground cover vegetation is indigenous species, or more than 90% of ground cover vegetation is cleared. Vegetation that does not meet Low-condition is considered to be Moderate-Good. It is likely that a high percentage of BGW within the DE meets moderate-good standard and that pasture meets Low-condition BGW. If the proposal seeks to offset the impact to BGW, the vegetation data should comply with endorsed methodology. The vegetation benchmark database and relevant offset material is available under the Biobanking assessment tools at www.environment.nsw.gov.au.

DECCW requests DoP issue a condition of consent for the proponent to classify permanent loss of BGW in accordance with the above advice and that the community is classified as per the two DECCW recognised tools (listed above) prior to submitting an offset proposal.

Biodiversity Offsets

Linked with the loss of the BGW is the requirement for appropriate offsets to support the principles of maintain and improve. Offset areas are required to be managed for their conservation values in perpetuity. As detailed above, the tools DECCW use to calculate offset ratios calculate that a 10:1 offset ratio is required for BGW that is in low condition, as defined above. DECCW have provided this advice so that Epuron can balance the cost of the wind farm options with the potential requirements for offsetting impacts.

DECCW acknowledges the offsets will be based on the net loss of existing habitat caused by the proposal, for example; turbine footings, new roads, widening existing roads, and transmission easements. DECCW staff will be happy to review the appropriateness of any offset proposals that Epuron develop, prior to submitting a final tender.

Habitat Trees

DECCW considers that the level of habitat tree assessment and data provided and the amount of survey is inadequate as it does not meet the DGEAR's for the Barking Owl, Gang Gang Cockatoo, Squirrel Glider and threatened microchiropteran bat species that have the potential to occur on the subject site.

Hollow Bearing Trees (HBTs) on site potentially provide suitable habitat for the species listed above. DECCW recognise that HBTs have been generally mapped however, the EA does not map HBTs according to hollow size within the proposed development envelope. It is recommended that the HBTs, especially those to be removed, are quantified for the potential habitat they may provide for the above threatened entities and stag-watched, for a period consistent with the DECCW Threatened Species Assessment Guidelines.

HBT's have not been mapped within the proposed transmission easement linking Copperbella and Marilba Hills precincts. DECCW requires an assessment of HBTs through this easement. The assessment should be quantified as explained above and be submitted to DECCW prior to submitting an offset tender so any previously unidentified threatened species matters can be considered.

DECCW request the HBT issues mentioned above are included as a condition of consent.

Transmission Easement between Copperbella and Marilba Hills

The EA does not map vegetation type, survey locations, hollow bearing trees or constraints for the transmission easement between Copperbella and Marilba Hills. Without this data the environmental impact of the proposal cannot be assessed, nor can offsets be determined. The environmental impact through this area is considered inadequate and needs to be address in the SOC.

Bush Stone-Curlew

This species inhabits open forests and woodlands with a sparse grassy ground layer and fallen timber in a variety of locations across the state. A high number of inland records exist within BGW situated along or within close proximity to dry creek beds and drainage lines. This species was recently recorded within the Burrinjuck area. The subject site is within its known distribution and therefore, DECCW considers both precincts to contain suitable habitat for this species.

DECCW requests a SOC to undertake additional nocturnal call playback surveys and diurnal searches of habitat for this species immediately prior to clearing. The species protection and mitigation measures during the construction phase are to be implemented via the CEMP.

Statement of Commitments

DECCW considers that the wording of some of the Statement of Commitments to be inadequate for the protection of biodiversity values during construction and operation of the wind farm;

- SOC 12. Despite a commitment to avoid all high constraint areas, the proposal will impact a number of these across both precincts. The proposal should avoid turbines and roads in these areas.
- SOC 14. The removal of HBTs is considered a direct loss and is not able to be offset by nest boxes.
- SOC – 18. The proposal can not avoid areas of potential habitat for species listed in soc 18 nor will it avoid removing habitat trees within the two precincts, therefore additional survey will be required.
- SOC 20. A buffer of 30m from the tree drip-line is to be established in sensitive areas identified in the BA. The buffer should be marked or a temporary fence on the ground to clearly outline the exclusion zone. For transparency, a definition of sensitive areas should be added to the statement of commitments.
- SOC 21. DECCW stipulate the offsets will be based on the loss of existing habitat caused by the proposal, for example; turbine footings, new roads, widening existing roads, and transmission easements. The proponent will need to balance the cost of the wind farm options with the potential requirements for offsetting impacts with this in mind. DECCW staff will be happy to review the appropriateness of any offset proposals that Euron develop, prior to submitting a final tender.

Coppabella Hills Precinct - Development Layout

DECCW considers the environmental impact within cluster 10 & 7b to be significant. Turbine or infrastructure that dissects areas of high conservation value should be withdrawn from the proposal. Commitments to micro-site turbines within these areas are unsatisfactory and do not provide certainty for avoiding disturbance to intact BGW, known Yass Daisy populations and threatened woodland bird habitat. The access tracks between cluster 10 and 11 will dissect biodiversity constrained areas. It is advised that the proponent remove this from the proposal and identify alternative access to cluster 11.

Two species of Microchiropteran bat have been identified within the EA as being at a high risk to blade strike, these are Eastern Bentwing Bat and the Yellow-bellied Sheath-tailed Bat. These species commonly forage along ridge tops, through road ways and around the fringes of remnant vegetation. It is considered that the turbines positioned within or close to woodland will encourage foraging and therefore increase the potential for blade strike. DECCW considers that the proposal should be modified by reducing turbines in these highly constrained areas.

Squirrel Glider (*Petaurus norfolcensis*)

Although fragmented and disturbed, the site is considered to contain suitable habitat for the Squirrel Glider. DECCW consider that the combination of 3 spotlight surveys and 30 trap nights for arboreal animals across more than 300ha of habitat is **inadequate** and does not comply to the DEC 2004 Threatened Species Survey & Assessment Guidelines. The level of arboreal Elliott trapping is unclear, table (B.1) and survey effort summary 6.1 the report do not match. Table 6.1 states 10 traps were set however B.1 lists only 5 tree Elliott trap locations. In addition, no stagwath surveys have been undertaken to determine if hollow bearing trees proposed for removal contain den sites for this species. Sampling effort per stratification unit must equate to at

least 100 arboreal trap nights. The DEC 2004 Threatened Species Survey & Assessment Guidelines recommended approach involves 25 traps placed for four nights.

DECCW request a consent condition that requires arboreal Elliott trap surveys prior to submitting an offset proposal.

Barking Owl (*Ninox connivens*)

The EA has identified suitable habitat for this species within the subject site. Although discussed generally within the text, the EA does not map potential breeding sites as per the DGEARs. No stag-watching of large hollows has been undertaken within the known breeding season. The EA does not map hollow bearing trees (HBTs) according to hollow size, and therefore DECCW is unable to determine if HBTs likely to be impacted by the development contain breeding habitat for the Barking Owl. DECCW considers that 3 consecutive nights survey in September are inadequate for making a determination regarding impact on this species. DEC 2004 Threatened Species Survey & Assessment Guidelines suggest a minimum of 5 visits per site and recommend survey within the known breeding period. The DGEARs also suggest 1 nocturnal survey per 100 ha. The survey effort does not comply with the DGEAR's or DECCW survey guidelines.

DECCW request a consent condition to undertake stag watch surveys of all HBTs with large hollows (equal to or greater than 30cm) to be removed prior to submitting an offset proposal.

Striped Legless Lizard (*Delma impar*)

The EA describes the habitat for this species as degraded by long term heavy grazing with sites dominated by exotic forbs and grasses. Striped Legless Lizards are known to occupy habitat of this quality within the Yass area, and therefore DECCW is concerned that the species has not been adequately addressed within the proposal. DGEAR's required pitfall, funnel trap surveys, or roof tile surveys. DECCW considers that the proponent has not adequately addressed the potential for this species to be present within the development footprint.

DECCW acknowledges that the majority of impacts on fossorial or semi-fossorial reptiles will occur during the construction phase of the project. If the proponent accepts the potential for the species to be present within the development envelope, then the species could be addressed through suitable entries in the statement of commitments. DECCW would expect that such a statement would include a search of habitat immediately prior to clearing, management of open trenches with regular reptile recovery and a plan of what to do with any individuals recovered.

Eastern Bentwing-bat (*Miniopterus schreibersii oceanensis*)

Although this species was not detected during survey, the Coppabella Hills site is considered to contain suitable foraging habitat for the Eastern Bentwing-bat (EBB). Anabat surveys for this species were undertaken in March 2007 (2 all night surveys), September 2008 (3 all night surveys) and January 2009 (2 all night surveys). The EA states that cold weather over 2 of the 3 survey nights in September may have reduced bat activity. It is considered that the sample size is too small to identify patterns in the species movement or use of the site or quantify the wind farm's potential impact on EBB that may forage on the site while using the maternity colony at Church Cave.

DECCW request a consent condition to undertake monitoring surveys during the maternity period to record the presence of the Eastern Bentwing Bat. Surveys be undertaken prior to and during construction and should form part of the ongoing monitoring surveys during the operational phase of the proposal. It is also requested that the proposed survey methodology is discussed with DECCW prior to surveys.

Burrinjuck Orchid

Surveys undertaken for this species during September and November are considered inadequate because they are likely to have missed the known flowering period in October. DECCW agrees with the EA in that, further survey within the DE (Development Envelope) is required during October.

Marilba Hills Precinct -Development footprint

Cluster 4b

DECCW considers the environmental impact within cluster 4a to be significant. Turbine or infrastructure that dissects areas with high conservation value should be withdrawn from the proposal. Commitments to micro-site within this area are unsatisfactory and are incapable of avoiding disturbance to intact BGW, known Yass Daisy and threatened woodland bird habitat.

Two species of Microchiropteran bat have been identified within the report as being at a high risk to blade strike, these are Eastern Bentwing Bat and the Yellow-bellied Sheath-tailed Bat. These species commonly forage along ridge tops, through road ways and around the fringes of remnant vegetation. It is considered that the turbines positioned within or close to woodland will encourage foraging and therefore increase the potential for blade strike.

DECCW considers the above impacts to be significant and therefore requests that turbines and associated infrastructure are modified to reduce turbines in this highly constrained area.

Barking Owl (*Ninox connivens*)

The EA has identified suitable habitat for this species within the subject site. The survey for this species is considered inadequate. The Fauna methodology states nocturnal surveys were undertaken by 2 people on the 17/9/2008 and 18/9/2008 for 14 and 20 person minutes (Table 2, Appendix B, fauna survey data summary). This contradicts the survey effort discussed in Table 6.1 (Fauna survey effort), where Powerful Owl, Masked Owl, Barking Owl and Squirrel glider calls were played for 2.5-5 minutes followed by an additional ten minute listening period.

Call playback surveys can not be counted in person minutes, they are depended on the number of broadcasts not people present. Call playback survey periods of 7 minutes and 10 minutes per night (17 & 18/9/2008) are dreadful and are considered worthless as they provide a fleeting observation of nocturnal activity. These surveys are unlikely to give a true reflection of this species' presence.

DEC 2004 Threatened Species Survey & Assessment Guidelines suggest a minimum of 5 visits per site and recommend survey within the known breeding period. The guidelines also suggest; *at each call playback site an initial listening period of 10 to 15 minutes should be undertaken, followed by a spotlight search for 10 minutes to detect any animal in the immediate vicinity. The calls of each target species should then be played intermittently for 5 minutes, followed by a 10-minute listening period. After all the calls have been played, another 10 minutes of spotlighting and listening must be conducted in the vicinity to check for birds that are attracted by the calls but are not vocalising.* The DGEARs also suggest 1 nocturnal survey per 100 ha. The survey effort does not comply with the DGEAR's or DECCW survey guidelines.

DECCW request a consent condition that requires the proponent to undertake stag watch surveys of all HBTs with large hollows (equal to or greater than 30cm) to be removed prior to submitting an offset proposal.

Striped Legless Lizard (*Delma impar*)

The EA describes the habitat for this species as degraded by long term heavy grazing with sites dominated by exotic forbs and grasses. Striped Legless Lizards are known to occupy habitat of this quality within the Yass area, and therefore DECCW is concerned that the **species has not been adequately addressed within the proposal**. DGEAR's required pitfall, funnel trap surveys, or roof tile surveys. DECCW considers that the proponent has not adequately addressed the potential for this species to be present within the development footprint.

DECCW acknowledges that the majority of impacts on fossorial or semi-fossorial reptiles will occur during the construction phase of the project. Therefore, should the proponent wish to request a modification of the DGEAR's, that accepts the potential for the species to be present within the development envelope, then the species could be addressed through suitable entries in the statement of commitments. DECCW would expect that such a statement would include a search of habitat immediately prior to clearing, management of open trenches with regular reptile recovery and a plan of what to do with any individuals recovered.

Eastern Bentwing-bat (*Miniopterus schreibersii oceanensis*)

The Marilba Hills site contains foraging habitat for the EBB. This species was recorded on site during surveys in September 2008. Anabat surveys for this species were undertaken in September 2008 (3 all night surveys) and January 2009 (2 nights all night). The EA states that cold weather over 2 of the 3 survey nights in September may have reduced bat activity. It is considered that the sample size is too small to quantify the wind farm's likely impact on the EBB at this site.

DECCW request a consent condition to undertake monitoring surveys during the maternity period to record the presence of the Eastern Bentwing Bat. Surveys be undertaken prior to and during construction and should form part of the ongoing monitoring surveys during the operational phase of the proposal. The proposed survey methodology should be discussed with DECCW prior to surveys being undertaken.

Burrinjuck Orchid

Surveys undertaken for this species during September and November are considered **inadequate** because they are likely to have missed the known flowering period in October. DECCW agrees with the EA in that, further survey within the DE (Development Envelope) is required during October.

Yass Daisy

The Yass Daisy is as a State and Commonwealth listed threatened species. Any loss of threatened species and/or their habitat needs to be assessed against the criteria of improve or maintain as detailed in the DGEARs. DECCW has therefore assessed the development in areas known to contain Yass Daisy populations and concluded that the assessment is inadequate because the proposed access track and underground cabling within cluster 4b does not meet the "improve" or "maintain" test as applied in NSW. DECCW considers the data within the EA **inadequate**, as the number of individual plants to be removed during construction is not stated. DECCW requires this specific survey data to accurately assess the proposed impacts to individual threatened species. DECCW does not support the proposed disturbance that crosses through core habitat for this species.


In addition to the SOC made by the proponent, DECCW request DoP make the following points conditions of consent;

- All proposed impacts are to be submitted and assessed by DECCW prior to submitting an offset proposal.
- Additional surveys in accordance with DECCW adequacy review and this correspondence.

- Additional flora, fauna and Aboriginal Cultural Heritage surveys are required within the transmission easement linking the two precincts prior to submitting an offset proposal.
- The proponent to undertake monitoring surveys during the maternity period to record the presence of the Eastern Bentwing Bat. Surveys be undertaken prior to and during construction and should form part of the ongoing monitoring surveys during the operational phase of the proposal. The proposed survey methodology should be discussed with DECCW prior to surveys being undertaken.
- Prior to submitting an offset tender, BGW will be classified in accordance with the two NSW government endorsed tools (the PVP Developer and Biobanking Credit Calculator) used to assess an "improve" or "maintain" environmental outcomes.

Please contact Mathew Makeham, Biodiversity Conservation Officer on 62297002 in regard to obtaining further input on this matter from DECCW.

Regards

 11/12/09

DR SANDRA JONES
Head Operation Unit South-east Region
Environment Protection and Regulation

Reference: DEC, 2004, Threatened Species Survey and Assessment: Guidelines for developments and activities (*working draft*), New South Wales Department of Environment and Conservation, Hurstville, NSW.

Harden Shire Council



Contact: Sharon Langman
Quote Reference:
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HARDEN NSW 2587
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14 December 2009

Email council@harden.nsw.gov.au
Web www.harden.nsw.gov.au

Mr Neville Osborne
Major Infrastructure and Assessments
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Dear Mr Osborne

YASS WIND FARM PROPOSAL – COPPABELLA HILLS

I refer to the above development application, which is currently on public exhibition. On behalf of Council I raise the following issues for consideration and resolution during the assessment process.

Water Resources

The documentation indicates that the water required for the establishment of the infrastructure will most 'probably' be drawn from Burrinjuck. Council has some concerns with the uncertainty of this statement as there is no indication that if the water is not drawn from Burrinjuck Dam where it will in fact be drawn from. If the water is to be drawn from other licensed ground watersources, i.e. bores, or drawn directly from the Murrumbidgee River or Jugiong Creek system, what are the consequential impacts upon the water availability for agricultural and potable water supplies.

Decommissioning

Council would like assurances that conditions and checks are in place to ensure that when the life of the turbines are exhausted there is sufficient funds and authority for the towers and turbines to be removed, the area rehabilitated and that the community of the day does not bear the cost of such removal.

Community Funds

The proponents, Epuron, have had discussions with both Yass and Harden Councils in relation to the establishment of a Community Fund along a similar vein to the contributions paid by developers pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979. In discussions to date the proponents have indicated that they are willing to contribute to the betterment of the community that is likely to be impacted by the proposed Wind Farm; that community within the Harden Shire being Jugiong. It is noted however that there are no details in the documentation regarding the establishment or operation of such a fund, nor is there any monetary value attached.



Industry & Investment

EA

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OUT09/16262

Ms Dinuka McKenzie
Major Infrastructure Assessments
NSW Department of Planning
PO Box K220
Haymarket NSW 1240

Dear Ms McKenzie

Re: Yass Wind Farm (MP08_0246) – Environmental Assessment (EA) Exhibition

Thank you for your letter dated 11 November 2009 notifying Industry & Investment NSW (I&I NSW) of the public exhibition of the Yass Wind Farm Environmental Assessment. I&I NSW welcome the opportunity to comments on the exhibited documents.

This is a coordinated response from the Mineral Resources, Agriculture and Fisheries divisions of the former Department of Primary Industries, now part of Industry & Investment NSW (I&I NSW). There are no issues relevant to the interests of Forests NSW. The Department offers the following advice.

Issues Related to Fisheries

I&I NSW is responsible for ensuring that fish stocks are conserved and that there is "no net loss" of key fish habitats upon which they depend. To achieve this, the Department ensures that developments comply with the requirements of the *Fisheries Management Act 1994* (namely the aquatic habitat protection and threatened species conservation provisions in Parts 7 and 7A of the Act respectively) and the associated *Policy and Guidelines for Aquatic Habitat Management and Fish Conservation (1999)*.

It is I&I NSW policy that all developments should aim to achieve no net impacts on receiving waterways.

I&I NSW have reviewed the Environmental Assessment (EA) by NGH Environmental (dated November 2009) and Appendices provided by the applicant and makes the following comments and recommendations.

I&I NSW notes that there are 16 creeks within the proposed development area which drain to the Murrumbidgee River and have the potential to be impacted by the proposed development (Table 8-2 of the EA).

I&I NSW concurs with the proposed safeguards and mitigation measures to minimise environment impacts, in particular those related to surface water and groundwater detailed in section 8.1 and 10.2 of the EA. All the proposed safeguards and mitigation actions listed in the EA and Appendices should be included in any project approval, and listed in the Construction and Operation Environmental Management Plans (CEMP and OEMP) and fully implemented by the proponent and its contractors.

I&I NSW recommends that any project approval require that the design and construction of access track crossings of on-site waterways must be undertaken in accordance with I&I NSW's *Policy and Guidelines for Fish Friendly Waterway Crossings (2004)* and *Why Do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings (2004)*. These documents are available on our website www.dpi.nsw.gov.au, under 'Aquatic Habitats' and 'Publications'.

MINERALS & ENERGY DIVISION
PO Box 344 Hunter Region Mail Centre NSW 2310
Tel: 02 4931 6666 Fax: 02 4931 6726
ABN 72 189 919 072- 002
www.industry.nsw.gov.au

The I&I NSW contact for further information related to aquatic habitat and fisheries issues for this project is:

Dr. Trevor Daly
Fisheries Conservation Manager – South Coast
PO Box 17
BATEMANS BAY NSW 2536
Ph: 02) 4478 9103
Fax: 02) 4472 7542

Issues Related to Agriculture

I&I NSW consider that the proposed wind farm in the Yass and Harden Shires is compatible with the existing agricultural activities provided that the impacts of the wind farm are well managed. The wind farm has the potential to provide for increased economic security to farmers in the area.

The environmental assessment has covered most issues and provided mitigatory responses to address those matters.

I have noted, however, that should groundwater be required for use on site that is intended to engage a qualified geotechnical engineer to ensure unacceptable impacts to groundwater are avoided. In considering those impacts there will need to be careful consideration given to groundwater as a resource by surrounding landowners for stock and domestic purposes. Water used for agricultural purposes is vital for the continuance of agriculture on site. There should be no disturbance to the water resource that farmers are dependant upon.

It is also noted that the only mitigatory response to managing weeds as a result of surface disturbance in the environmental assessment is to provide site monitoring (p241). An appropriate mitigatory response would be to develop a weed management plan for those surfaces that are likely to be disturbed.

For further information regarding Agriculture issues please contact Wendy Goodburn on 02 4828 6635 or email wendy.goodburn@industry.nsw.gov.au.

Issues Related to Minerals

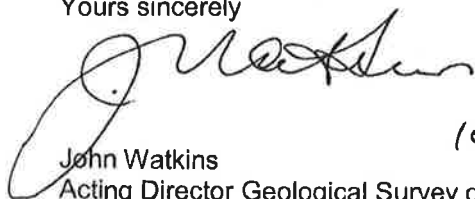
I&I NSW notes that the proponent has liaised with Taronga Mines Ltd, the holder of title EL 7248 which covers portions of both the Coppabella Hills and Marilba Hills precincts.

The proponent has committed to ongoing liaison with Taronga Mines Ltd during both the pre construction and construction phases of the project and will provide final turbine and infrastructure layouts to the title holder and I&I NSW. It is important that the proponent continues its efforts to minimise constraints on access for mineral exploration.

I&I NSW also note that the proponent has explored opportunities relating to the proposed batching plant at nearby Bogo Quarry.

For further information regarding Minerals issues please contact Cressida Gilmore on 02 4931 6537 or email cressida.gilmore@industry.nsw.gov.au.

Yours sincerely



John Watkins
Acting Director Geological Survey of NSW

10/12/09



Office
of Water

16

3

Dinuka McKenzie
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Contact: Tim Baker
Phone: 02 6841 7403
Fax: 02 6884 0096
Email: Tim.Baker@dnr.nsw.gov.au

15 December 2009

Our ref: ER20427
Your ref: S08/01553

Attention: Marek Cholinski

Dear Marek

Subject: YASS WINDFARM (MP08_0246) – ENVIRONMENTAL ASSESSMENT EXHIBITION

I refer to your letter dated 11 November 2009 requesting comment from the NSW Office of Water (NOW) on the publicly exhibited environmental assessment (EA) for the proposed Yass Valley Windfarms. For the proponent's information, the former DWE has been replaced by the NSW Office Water. NOW appreciates the opportunity to review the documentation and provides the following comments and recommended approval conditions for consideration in final determination.

1. WATER SUPPLY

The EA has identified a number of potential options for sourcing water supply for the project however there is no confirmation to secure this supply. NOW would recommend this be considered further by the proponent and finalised prior to any approval being issued. If this confirmation is not obtained prior to approval, this would represent a commercial risk decision.

As detailed in the EA, gaining water supply from a Council would require the authorisation from Council. Whilst it is recognised that a potential arrangement for water supply between a Council and the proponent is not the responsibility of NOW it needs to be recognised that the availability of this water may be subject to an existing Town Water Supply entitlement and specific licence conditions surrounding its use. The proponent is therefore advised that the availability of this supply is subject to further consideration.

In terms of accessing surface water from existing farm dams and creeks or sourcing groundwater from bores the following information is provided.

Water Management Act 2000

- o If water is sourced for dust suppression from the Murrumbidgee River or other water source covered by a Water Sharing Plan, the requirement for a work approval under the *Water Management Act 2000* is considered exempt by NOW under Section 75U of the *Environmental Planning and Assessment Act 1979* if the extraction sites and extraction methods form part of the environmental assessment and subsequent Ministerial Approval. To enable the proposal to not require a work approval, further information will be required including details of the extraction sites and methods of extraction, in addition to evidence of permission to extract from the land owner.

Department of
Environment, Climate Change and Water NSW



- The requirement for a use approval and access licence for dust suppression however are exempt under Section 38(1a) and Section 18(1d) of the *Water Management Act (General) Regulation (2004)*.

Water Act 1912

- Water extracted from unregulated rivers, creeks or farm dams will require a permit under Part 2 of the *Water Act 1912*.
- Water extracted from groundwater bores will require a licence replacement to authorise the additional purpose industrial/commercial and a "supply to" condition. Acceptance of any such application will be subject to any applicable embargo notices.
- Licensing under the *Water Act 1912* will require assessment in accordance with Part 5 of the *EP&A Act 1979*.

1.1 Groundwater Licensing

The proponent has indicated that bores may be utilised to access groundwater to supply the proposed development either from existing bores or through new bore installation. NOW advises that the proposed area is covered by the NSW Inland Groundwater Shortage Zones Order (1& 2) December 2008 shown in Attachment 1. This order is an embargo which restricts access to additional groundwater entitlement and must be addressed by the proponent in consideration of accessing groundwater supplies. As detailed in the EA, the proponent would need to transfer entitlement from an existing licensed groundwater user due to the presence of the embargo. The guideline on inland transfers at the following link is recommended for the proponent.

<http://www.water.nsw.gov.au/Water-Management/Water-availability/Groundwater/default.aspx>

The EA suggested it was possible to install bores under a Part 3A approval, however NOW advises that this is not an exemption within the embargoed area covered by the *Water Act 1912*. The embargo provides the ability to make application for a bore to enable the extraction of a water allocation through the transfer of an entitlement which would require further assessment within NOW prior to approval. The proponent would need to adhere to the requirements of the embargo order and the guidelines for inland transfers of groundwater, and it is recommended the proponent contact NOW to confirm the requirements. It is also important to recognise that both Order 1 and 2 are applicable within the project area and that different exemptions and transfer rules apply. Attachment 2 provides an outline of the relevant groundwater management areas (GWMAs) associated with this project. The Yass Catchment (GWMA 806) is within Order 1 and the Lachlan Fold Belt (GWMA 811) is within Order 2.

If water is proposed to be used from an existing licensed bore, the bore must be licensed with the appropriate purpose eg. commercial/industrial. A proposal to extract water from a licensed bore for an additional purpose will require further assessment by NOW staff.

1.2 Surface Water Licensing

The proponent has indicated that water supply may be sourced from on-site dams and other local surface water sources. No details have been supplied in regard to the size, location or license details of these dams or other local sources. Dams are either licensed under the *Water Act 1912* for a specific purpose or are Harvestable Right dams that are not required to be licensed due to their limitations in terms of size and location.

If it is intended to use a licensed dam to supply a concrete batching plant then a new license may be required to replace the existing licence and include the additional purpose. It is not possible to be more specific until details of the dam to be used are supplied.

An existing surface water embargo prevents applications for new licences for dams or pumps on watercourses to supply water for industrial/commercial purposes however it may be possible to transfer the water from an existing licence holder, subject to NOW policy requirements. The embargo contains a number of exemptions but the proposed use of the water does not fit within these. The use for dust suppression however does fit within the exemptions.

Dams that fall within the harvestable right for a property can be used to supply water for any purpose on that property but cannot supply water to another property.

2. WATERCOURSE CROSSINGS

Now advises that watercourse crossing design and construction in addition to other in-stream works needs to be in accordance with the relevant "*Guidelines for Controlled Activities*" which can be obtained at the following website: <http://www.water.nsw.gov.au/Water-Licensing/Approvals/Controlled-activities/default.aspx>

3. GROUNDWATER ASSESSMENT AND BLASTING IMPACTS

As indicated in the EA, if blasting is proposed it will be necessary to conduct an impact assessment to determine the potential impact on the groundwater resource and existing users including the environment. The preparation of this impact assessment and the development of any mitigating measures would need to be in consultation with NOW.

Due to the uncertainty in relation to water licensing for the proposal the proponent is advised to confirm the required process with NOW staff. Recommended conditions of approval are provided in Attachment 3. Should further information be required in relation to the above comments please do not hesitate to contact myself on telephone (02) 6841 7403.

Yours sincerely



Tim Baker

Senior Planning and Assessment Coordinator

ATTACHMENT 1

12941



Government Gazette

OF THE STATE OF

NEW SOUTH WALES

Number 159

Friday, 19 December 2008

Published under authority by Government Advertising

SPECIAL SUPPLEMENT

WATER ACT 1912

Order under section 113A

Embargo on any further applications for Part 5 Water Licences

New South Wales Inland Groundwater Shortage Zones Order No. 1 2008

PURSUANT to section 113A of the Water Act 1912, I, David Harriss, having delegated authority from the Water Administration Ministerial Corporation, upon being satisfied that the Water Shortage Zones specified in Schedule 1 are unlikely to have more water available than is sufficient to meet the requirements of the licensees of the bores situated within the Water Shortage Zones, and the other requirements determined for water from the Water Shortage Zones, do, by this order, place an embargo to prevent any further applications for licences being made under Part 5 of the Water Act 1912 with respect to the Water Shortage Zones specified in Schedule 1, except as specified in Schedule 2 of this Order.

Any terms that are defined in Schedule 3 of this Order have the meanings set out in that Schedule.

This Order takes effect on and from the date it is published in the *NSW Government Gazette* and remains in force until this Order is revoked by a subsequent Order published in the *NSW Government Gazette*.

This Order repeals any previous Orders made under section 113A of the Water Act 1912 for those water shortage zones specified in Schedule 1 of this Order.

Dated at Sydney this Eighteenth day of December 2008.

DAVID HARRISS,
Deputy Director General,
NSW Department of Water and Energy
Signed for the Water Administration Ministerial Corporation
(by delegation).

Note:

In accordance with s. 113A (6) of the Water Act 1912 this order does not apply to:

- (a) an application for a renewal of a licence, or
- (b) an application for a licence for a bore to replace some other licensed bore that the applicant has ceased to use, or
- (c) an application for a licence for a bore to produce water to satisfy a water allocation arising from the transfer of a water allocation under section 117J.

SCHEDULE 1

Water Shortage Zones

This order applies to any groundwater located within the boundaries of those groundwater management areas and parishes listed in Table 1 that are within those parts of the State of New South Wales falling within the eastern boundary of the Murray Darling Basin and the Queensland, South Australian and Victorian borders, as shown by the shaded areas on Map 1. It excludes any groundwater located within the water sources to which the following water sharing plans apply:

1. Water Sharing Plan for the Upper and Lower Namoi Groundwater Sources 2003
2. Water Sharing Plan for the Lower Gwydir Groundwater Sources 2003

3. Water Sharing Plan for the Lower Lachlan Groundwater Sources 2003
4. Water Sharing Plan for the Lower Macquarie Groundwater Sources 2003
5. Water Sharing Plan for the Lower Murray Groundwater Sources 2003
6. Water Sharing Plan for the Lower Murrumbidgee Groundwater Sources 2003
7. Water Sharing Plan for the NSW Great Artesian Basin Groundwater Sources 2008.

SCHEDULE 2

Exemptions

Applications for licences under Part 5 of the Water Act 1912 can continue to be made for the following purposes:

1. A bore to supply water for stock watering.
2. A bore to supply water for domestic consumption on any landholding greater than 12 hectares that is within the area supplied by a council's water supply system.
3. A bore to supply water for domestic consumption on any landholding that is not supplied water from a council's water supply system.
4. Water supply for town water supply by a water supply authority, or a council or county council exercising water supply functions under Division 2 or Part 3 of Chapter 6 of the Local Government Act 1993.
5. Monitoring and test bores for groundwater investigation and/or environmental management purposes.
6. Bores for environmental management purposes including control of saline water table mounds.
7. Water supply for Aboriginal cultural purposes provided that the annual extraction does not exceed 10 megalitres per annum.
8. Bores providing water supply for emergency services including, but not limited to fire fighting.
9. Bores required for integrated development where general terms of approval with respect to such bores have been provided by the Department of Water and Energy prior to the commencement of this Order and for which a development consent has been granted.
10. A dewatering activity provided that the annual extraction does not exceed 10 megalitres per annum.
11. Emergency water supply (6 months or less) for a person who has been extracting water lawfully where the Minister determines that a failure to supply the water would cause a prohibitively high social, economic or national security cost.
12. Water supply for the purpose of dust suppression in the construction of a public road provided that the annual extraction does not exceed 10 megalitres per annum.
13. Water supply for teaching purposes up to 3 megalitres per annum.

SCHEDULE 3

Dictionary

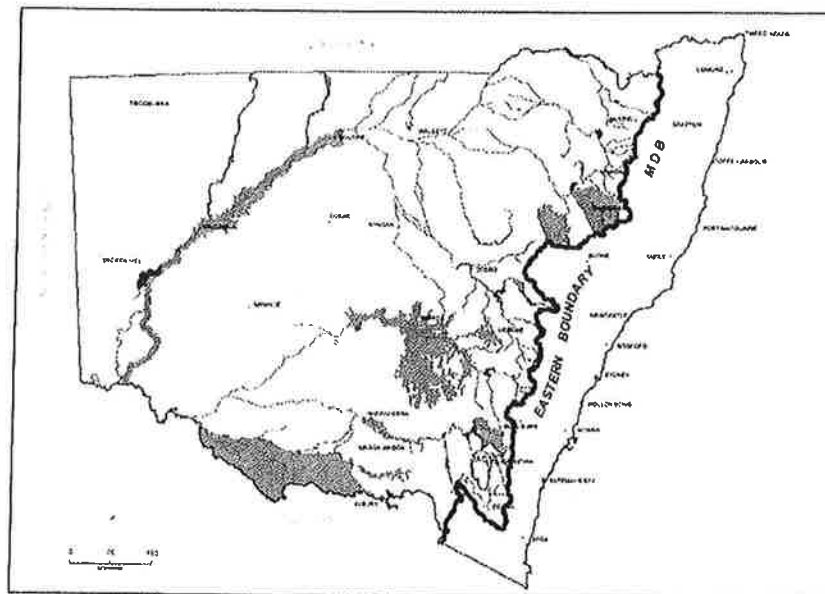
- Development consent:* has the same meaning as defined in the Environmental Planning and Assessment Act 1979;
- Domestic consumption:* has the same meaning as defined in section 52 of the Water Management Act 2000;
- Groundwater management areas:* Area defined by maps held by the Department of Water and Energy and for the purposes of this order includes all groundwater below the ground surface within these mapped boundaries;
- Integrated development:* has the same meaning as defined in the Environmental Planning and Assessment Act 1979;
- Murray Darling Basin:* has the same meaning as defined in section 4 of the Water Act 2007 (Cth);
- Public land:* has the same meaning as defined in the Local Government Act 1993 Dictionary;
- Public road:* has the same meaning as defined in the Roads Act 1993;
- Recreational facilities:* includes, but is not limited to parks, playgrounds, ovals, sporting grounds, golf courses and gymnasiums but excludes any commercial operations relating to those activities;
- Stock watering:* has the same meaning as defined in section 52 of the Water Management Act 2000.

Table 1

Groundwater Management Area (GWMA)	GMMA No.
Peel Valley Alluvium	005
Upper Macquarie Alluvium	009
Cudgegong Valley Alluvium	10
Upper Lachlan Alluvium	11
Mid Murrumbidgee Alluvium	13
Billabong Creek Alluvium	14

Upper Murray Alluvium	15
Lower Murray Alluvium (d/s Corowa)	16 (shallow)
Coolaburragundy-Talbrager Valley	19
Bell Valley Alluvium	20
Belubula Valley Alluvium	21
Border Rivers Alluvium	22
Miscellaneous Alluvium of Barwon Region	23
Lower Darling Alluvium	45
Upper Darling Alluvium	46
Bungendore Alluvium	54
Great Artesian Basin Alluvial	63
Castlereagh Alluvium	66
Orange Basalt	801
Young Granite	802
Yass Catchment	806
Peel Valley Fractured Rock	819
Part GWMA's	
The Parishes of Goran, Brothers, Howes Hill, Calala, Merrigula, Tamarang, Trinkey, Coolanbilla, Springfield, Weston, Doona, Mema, Rodd, Pringle, Lawson, Moredevil, Coomoo Coomoo, Yarraman and Kickerbell in the County of Pottinger, all being within the Oxley Basin.	Part 608
The Parishes of Windy, Telford, Hudson and Moan in the County of Bucklan, all being within the Oxley Basin.	Part 608
The Parishes of Galambine, Wilbertree, Eurundury and Bumberra in the County of Phillip, all being within the Lachlan Fold Belt.	Part 811

Map 1



WATER ACT 1912

Order under section 113A

Embargo on any further applications for Part 5 Water Licences

New South Wales Inland Groundwater Shortage Zones Order No. 2 2008

PURSUANT to section 113A of the Water Act 1912, I, David Harriss, having delegated authority from the Water Administration Ministerial Corporation, upon being satisfied that the Water Shortage Zones specified in Schedule 1 are unlikely to have more water available than is sufficient to meet the requirements of the licensees of the bores situated within the Water Shortage Zones, and the other requirements determined for water from the Water Shortage Zones, do, by this order, place an embargo to prevent any further applications for licences being made under Part 5 of the Water Act 1912 with respect to the Water Shortage Zones specified in Schedule 1, except as specified in Schedule 2 of this Order.

Any terms that are defined in Schedule 3 of this Order have the meanings set out in that Schedule.

This Order takes effect on and from the date it is published in the NSW Government Gazette and remains in force until this Order is revoked by a subsequent Order published in the NSW Government Gazette.

This Order repeals any previous Orders made under section 113A of the Water Act 1912 for those water shortage zones specified in Schedule 1 of this Order.

Dated at Sydney this Eighteenth day of December 2008.

DAVID HARRISS,
Deputy Director General,
NSW Department of Water and Energy
Signed for the Water Administration Ministerial Corporation
(by delegation).

Note:

In accordance with s. 113A(6) of the Water Act 1912 this order does not apply to:

- a) an application for a renewal of a licence, or
- b) an application for a licence for a bore to replace some other licensed bore that the applicant has ceased to use, or
- c) an application for a licence for a bore to produce water to satisfy a water allocation arising from the transfer of a water allocation under section 117J.

SCHEDULE 1

Water Shortage Zones

This order applies to any groundwater located within those parts of the State of New South Wales falling within the eastern boundary of the Murray Darling Basin and the Queensland, South Australian and Victorian borders as shown by the shaded areas in Map 1, except for:

1. groundwater within those groundwater management areas and parishes listed in Table 1; and
2. groundwater within the water sources to which the following water sharing plans apply:
 - a) Water Sharing Plan for the Upper and Lower Namoi Groundwater Sources 2003
 - b) Water Sharing Plan for the Lower Gwydir Groundwater Sources 2003
 - c) Water Sharing Plan for the Lower Lachlan Groundwater Sources 2003
 - d) Water Sharing Plan for the Lower Macquarie Groundwater Sources 2003
 - e) Water Sharing Plan for the Lower Murray Groundwater Sources 2003
 - f) Water Sharing Plan for the Lower Murrumbidgee Groundwater Sources 2003
 - g) Water Sharing Plan for the NSW Great Artesian Basin Groundwater Sources 2008.

SCHEDULE 2

Exemptions

Applications for licences under Part 5 of the Water Act 1912 can continue to be made for the following purposes:

1. A bore to supply water for stock watering or domestic consumption.
2. Water supply for town water supply by a water supply authority, or a council or county council exercising water supply functions under Division 2 or Part 3 of Chapter 6 of the Local Government Act 1993.
3. Water supply for community recreational facilities located on public land up to 5 megalitres per annum.
4. Monitoring and test bores for groundwater investigation and/or environmental management purposes.
5. Bores for environmental management purposes including control of saline water table mounds.

6. Water supply for Aboriginal cultural purposes provided that the annual extraction does not exceed 10 megalitres per annum.
7. Bores on property where there is an existing licence under Part 5 of the Water Act 1912 and there is no increase in entitlement.
8. Bores providing water supply for emergency services including, but not limited to fire fighting.
9. Conversion to a test bore licence where a test bore licence is currently in force and was granted on or before 1 July 2007. This exemption expires on 30 June 2009.
10. Bores required for integrated development where general terms of approval with respect to such bores have been provided by the Department of Water and Energy prior to the commencement of this Order and for which a development consent has been granted.
11. Water supply for a person where the Minister determines that a failure to supply the water would cause a prohibitively high social, economic or national security cost and the supply of the water will cause no more than minimal environmental harm to any aquifer, or its dependent ecosystems.
12. A dewatering activity provided that the annual extraction does not exceed 10 megalitres per annum.
13. Water supply for the purpose of dust suppression in the construction of a public road provided that the annual extraction does not exceed 10 megalitres per annum.
14. Bores for the use of saline water where the salinity level exceeds 14,000 milligrams per litre (ppm).
15. Water supply for teaching purposes up to 3 megalitres per annum.

SCHEDULE 3

Dictionary

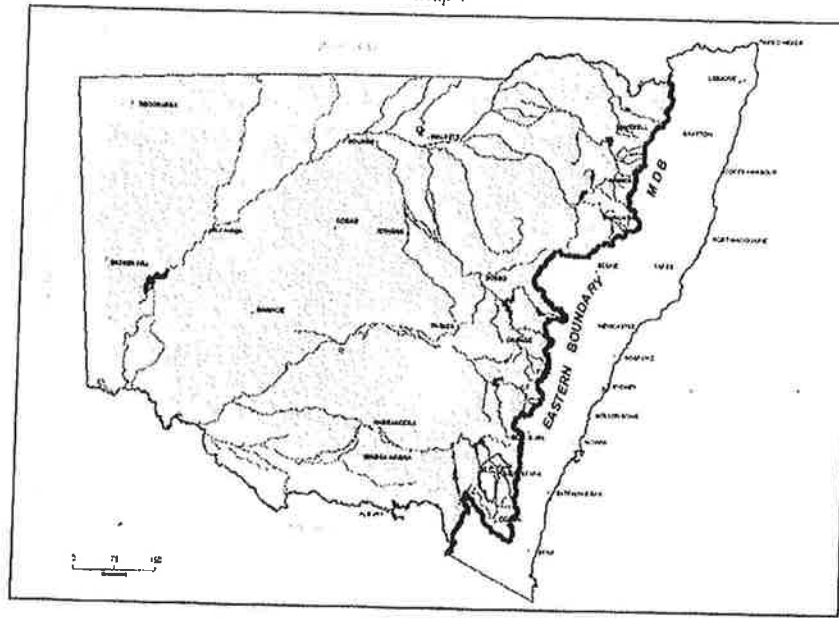
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- Domestic consumption:* has the same meaning as defined in section 52 of the Water Management Act 2000;
- Groundwater management areas:* Area defined by maps held by the Department of Water and Energy and for the purposes of this order includes all groundwater below the ground surface within these mapped boundaries;
- Integrated development:* has the same meaning as defined in the Environmental Planning and Assessment Act 1979;
- Murray Darling Basin:* has the same meaning as defined in section 4 of the Water Act 2007 (Cth);
- Public land:* has the same meaning as defined in the Local Government Act 1993 Dictionary;
- Public road:* has the same meaning as defined in the Roads Act 1993;
- Recreational facilities:* includes, but is not limited to parks, playgrounds, ovals, sporting grounds, golf courses and gymnasiums but excludes any commercial operations relating to those activities;
- Stock watering:* has the same meaning as defined in section 52 of the Water Management Act 2000;

Table 1

Ground Water Management Area (GWMA)	GMMA No.
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Coolaburragundy-Talbrager Valley	19
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Lower Darling Alluvium	45
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Orange Basalt	801
Young Granite	802
Yass Catchment	806
Peel Valley Fractured Rock	819
Parishes	
The Parishes of Goran, Brothers, Howes Hill, Calala, Merrigula, Tamarang, Trinkey, Coolanbilla, Springfield, Weston, Doona, Mema, Rodd, Pringle, Lawson, Moredevil, Coomoo Coomoo, Yarraman and Kickerbell in the County of Pottinger, all being within the Oxley Basin.	Part 608
The Parishes of Windy, Telford, Hudson and Moan in the County of Bucklan, all being within the Oxley Basin.	Part 608
The Parishes of Galambine, Wilbertree, Eurundry and Bumberra in the County of Phillip, all being within the Lachlan Fold Belt.	Part 811

Map 1



ATTACHMENT 2 – Draft Map – GWMA's – Yass Valley



ATTACHMENT 3

RECOMMENDED CONDITIONS OF APPROVAL

1. The NOW recommends that the design of waterway crossings, culverts and any instream works be submitted to NOW in a Surface Water Management Plan for endorsement to ensure consistency with NSW Government policy and/or guidelines prior to construction.
2. The NOW requests a groundwater investigation be undertaken prior to blasting activities in consultation with NOW, to assess the risk of impact on existing licensed groundwater users and groundwater dependent ecosystems. If appropriate, this investigation should be accompanied by suitable mitigation measures.
3. Before commencing construction of any groundwater work or using any existing works for the purpose of groundwater extraction, the proponent is to ensure the relevant licences are obtained under the *Water Act 1912* from the NSW Office of Water.
4. Before commencing any works or using any existing works that capture surface water the proponent is to ensure the relevant licences are obtained from the NSW Office of Water under the *Water Act 1912* or *Water Management Act 2000* whichever is applicable.

515DA062
091182
MM

16 December 2009

Department of Planning
Major Development Assessment
GPO Box 39
Sydney NSW 2001

Attn: Marek Cholinski

YASS WIND FARM (MP08_0246) – ENVIRONMENTAL ASSESSMENT EXHIBITION.

I refer to your letter (ref S08/01553) regarding the Proposed Yass Valley Wind Farm and the various assessment reports which were referred to the Roads & Traffic Authority (RTA) seeking comments, recommendations and/or suggested conditions in regards to the proposal.

I refer to the previous correspondence from the RTA dated 19 December 2008. It is considered appropriate that in relation to traffic related issues the development has been considered and addressed in 2 distinct stages, the Construction phase and Operational phase and that significant traffic generation will occur during the construction and decommissioning stages of the development. However the submitted documentation fails to quantify some major traffic issues relating to the haulage of the wind turbine components and the related construction activities.

The RTA emphasises the need, in the design and construction of the development, to minimise the impacts on the existing road network and maintain the safety, efficiency and standard of maintenance along the existing road network and to minimise the distraction to the road user. To achieve this, the logistics associated with the transportation of materials and equipment for the development and access to the site from the Classified Road network is of high importance;

It appears that finalisation of the haulage routes and the proposed access points from the road network require further clarification. This is subject to the origin of the various components of the wind turbines and the appointment of a haulage contractor. In addition the source of other components, such as the concrete for the base of each wind turbine, is yet to be determined. These issues need to be finalised to allow for the proper assessment of the impacts on the network. Therefore any consent for this development will require the preparation of an appropriate Traffic Management Plan in consultation with the relevant road authorities (RTA and Council).

The proposal intends to gain access to the sites adjacent to Conroys Gap through the nearby truck rest areas for both the construction and operation phases of the development. The RTA is concerned that such access, particularly during the construction phase, will interfere with the use of these sites by truck drivers for fatigue management purposes as these rest areas are regularly used by trucks operating along the Hume Highway. The impacts of this have not been appropriately addressed and will require further development of a plan to manage the impacts which is to be agreed to by the RTA or alternative access points are to be provided.

The RTA has assessed the development application and the supporting information supplied and notes the "Draft Statement of Commitments" on pages 278 to 309 of the Environmental Assessment report, dated November 2009, prepared by NGHEnvironmental.

The RTA has reviewed the Traffic Impact Study prepared by Bega Duo Designs and particularly notes section 5 – Impact Assessment and Associated Safeguards. The RTA considers that the implementation of these safeguards in respect to the project is essential for the safety and efficiency of the road network.

Based on compliance with the submitted documentation, particularly as outlined above, the RTA would raise no objection to the development as proposed subject to the following comments being included as conditions in the development consent;

- I. A Traffic Management Plan shall be prepared in consultation with the relevant road authorities (Council and RTA) to outline measures to manage traffic related issues associated with delivery and construction of the turbines or ancillary structures, any construction or excavated materials, any machinery and personnel involved in the construction or decommissioning process. The plan shall detail the potential impacts associated with the development, the measures to be implemented, and the procedures to monitor and ensure compliance. This plan shall address, but not necessarily be limited to;
 - i) Details of traffic routes to be used by heavy vehicles associated with the project, including any necessary route or time restriction for oversized vehicles,
 - ii) Proposed hours for construction activities, as night time construction presents additional traffic related issues to be considered.
 - iii) The management and coordination of the movement of construction and workers vehicles to the site and to limit disruption to other motorists, emergency vehicles and school bus timetables,
 - iv) Scheduling of haulage vehicle movement to minimise convoy length or platoons,
 - v) loads, weights and lengths of haulage and construction related vehicles and the number of movements of such vehicles,
 - vi) any required changes to the existing road environment along the proposed routes such as intersection upgrade, road widening,, temporary street closures, removal and replacement of road infrastructure, etc,
 - vii) Details of measures to be employed to ensure safety of road users and minimise potential conflict with haulage vehicles such as the use of fencing, lights, barriers, traffic diversions, changes to speed zones etc,
 - viii) procedures for informing the public where any road access will be restricted as a result of the project,
 - ix) Details of measures to be employed to ensure traffic volumes, acoustic and amenity impacts along the haulage routes is minimised,
 - x) the provision of hard stand areas for parking of transport vehicles in the case that unsealed sections of road are closed due to adverse weather or to allow for loads to be disassembled for transportation along the remainder of the route. This is not permitted in heavy vehicle rest areas, and
 - xi) proposed precautionary measures such as signage to warn road users such as motorists about the construction activities for the project.
2. The detailed traffic and transport planning for the project is required to involve the appointed transport contractor and is to be undertaken in conjunction with the RTA and the Council to determine the final details of haulage, including exact transport routes, Road-specific mitigation measures, haulage timing.

To be done now

3. Prior to the commencement of any work within the classified road reserve, the Proponent must apply for a Road Occupancy Licence from the RTA's Traffic Operations Unit. The application must be accompanied by a Traffic Management Plan (TMP) prepared by a person who is certified to prepare Traffic Control Plans. The Road Occupancy Licence can be obtained by contacting the Traffic Operations Manager on 02 69381111.
4. The Proponent must engage an appropriately qualified person to prepare a Road Dilapidation Report for all road routes to be used during the construction (and decommissioning) activities, in consultation with the RTA and Council. This report is to address all road related infrastructure. Reports must be prepared prior to the commencement of construction (and decommissioning) and after construction (and decommissioning) is complete. Copies of the reports must be provided to the RTA and Council. Any damage resulting from the construction (or decommissioning) traffic, except that resulting from normal wear and tear, must be repaired at the Proponent's cost. Such work shall be undertaken at a time as agreed upon between the Proponent and relevant road authorities.

The Proponent shall commit to restore the all relevant roads to a state, described in the original Road Dilapidation Report where the dilapidation is attributable to construction traffic. The cost of any restorative work described in the subsequent Report or recommended by the relevant road authorities after review of the subsequent Report, shall be funded by the Proponent. It is essential that the applicant is accountable for this process, rather than the proposed haulage contractor. Such work shall be undertaken at a time as agreed upon between the Proponent and relevant road authorities.

5. A full and independent risk analysis and inspection of the route will be required to be undertaken by an appropriately qualified person and the RTA supplied with the report. Further analysis and reporting to assess possible damage to, and repair of the route will be required on a regular basis.
6. Prior to the commencement of construction, the Proponent must undertake all works to upgrade any road, its associated road reserve and any public infrastructure in that road reserve, to a standard suitable for use by heavy vehicles to meet any reasonable requirements that may be specified by the relevant roads authority. The design and specifications, and construction, of these works must be completed and certified by an appropriately qualified person to be to a standard to accommodate the traffic generating requirements of the project. On Classified Roads the geometric road design must be in accordance with the RTA's Guideline RTA Road Design Guide and the pavement design must be in accordance with the AUSTRROADS Pavement Design Guide for all road works undertaken within the classified road reserve.
7. Access to the site adjacent to Conroys Gap through the rest areas is subject to the preparation of a plan of management to address the impacts of this development on the use of the site as a truck rest area and to provide for safe access. This plan is to be agreed to by the RTA or alternative access points are to be provided from the surrounding road network at locations agreed to by the RTA.
8. Lighting should be provided at intersections with Classified Roads near and within the area of the development. Continued lighting maintenance will be the developer's responsibility. Lighting will not be required should all work associated with the development be undertaken during daytime hours.
9. Shadow flicker arising from the operation of the project must not exceed 30 hours/annum at any residence not associated with the project. The shadow flicker effects are to be monitored following commission of the wind farm and any remedial measures to address concerns are to be developed and implemented in consultation with Council, the RTA and the Department of Planning.

10. No external lighting at night of any infrastructure associated with the project including wind turbine generators that may cause distraction to road users is permitted other than low intensity security lighting.
11. Vegetation must be cleared and maintained for the duration of construction to provide safe intersection sight distance (in accordance with the RTA Road Design Guide) at intersections and proposed access points to private property in all directions.
12. Any specific details for construction of, access to and signage associated for any proposed viewing areas along the classified road network are to be developed to the satisfaction of the RTA.
13. All works associated with the project shall be at no cost to the RTA or the relevant road authority. The proponent must, prior to construction, liaise with the RTA to determine whether a Works Authorisation Deed is required.

In addition to the above any existing or proposed connection for vehicular access for this development onto a Classified Road must be constructed and maintained in accordance with the following criteria for road safety and network efficiency reasons;

1. Any driveway is to be located and maintained to provide adequate Safe Intersection Sight Distance (SISD) in either direction in accordance with the RTA's Road Design Guide for the prevailing speed limit. Compliance with this requirement is to be certified by an appropriately qualified person prior to construction of the vehicular access.
2. Any driveway is to be constructed as a "Rural Property Access" type treatment in accordance with the Roads & Traffic Authority's "Road Design Guide" and is to be constructed perpendicular (or at an angle of not less than 70 degrees) to the carriageway. The driveway is to be constructed with a minimum width to accommodate the largest size of vehicle likely to access the subject site.
3. As a minimum a sealed Basic Right Turn (BAR) treatment is to be constructed at the intersection of any driveway access to the site and any Classified Road in accordance with the RTA's "Road Design Guide" for the prevailing speed limit.
4. Any entry gate to the site shall be located at least 50m from the edge of seal of the carriageway or at the property boundary whichever is the greater. This is to allow for the standing of large vehicles when gates are to be opened.
5. Any access driveway shall be sealed for at least 10m from the edge of seal of the carriageway in accordance with the RTA's Road Design Guide. This is required to prevent deterioration of the road shoulder and the tracking of gravel onto the roadway. To minimise the ongoing maintenance of the driveway, which is the responsibility of the landowner, consideration should be given to extending the seal to the property boundary.
6. Following the construction phase any redundant driveway or gates to the Classified Road network are to be removed and the site within the road reserve is to be reinstated to match the surrounding roadside in accordance with Council requirements.
7. The development shall be designed and located and provision made to allow for all vehicles to enter and exit the development site in a forward direction.
8. Suitable drainage treatment is to be implemented to retard any increased storm water run off directly from the subject site onto any adjoining roads. Any access driveway is to be designed and constructed to prevent water from proceeding onto the carriageway.
9. The developer is responsible for all public utility adjustment/relocation works, necessitated by the proposed works and as required by the various public utility authorities and/or their agents. It should be noted that the relocation of any utility service within the road reserve will require RTA's concurrence under section 138 of the Roads Act 1993 prior to commencement of works.
10. Detailed design plans of all required works within the road reserve be submitted to the RTA for approval prior to the commencement of any works as such works require the RTA's concurrence under section 138 of the Roads Act 1993 prior to commencement of any works.

11. The design and construction of the required road works including line marking, signage and lighting shall be in accordance with the RTA's Road Design Guide for the prevailing speed limit and to cater for largest size vehicle likely to access the site. The pavement standards are to be in accordance with the RTA requirements.

It is requested that the applicant be advised of the following;

- that the conditions of development consent do not guarantee the RTA's final consent to specific road work, traffic control facilities and other structures and works on the classified road network. The developer is required to obtain Section 138 Approval from Council with RTA concurrence for any works within the Classified Road Reserve. The RTA must provide a final consent for each specific change to the classified road network prior to the commencement of any work.
- The RTA requirements for crossing of Classified Roads for both underground cables and overhead power lines need to be followed. The related documents can be provided on request.
- where any works are required on or adjacent to public roads, parks or drainage reserves, a Traffic Control Plan providing details of all warning signs, lights, barriers, etc. to be provided and maintained in accordance with AS 1742 "Manual of Uniform Traffic control devices" and the RTA's Guideline *Traffic Control at Work Sites*;
- A formal agreement in the form of a Works Authorisation Deed (WAD) may be required between the developer and the RTA should the developer wish to undertake "private financing and construction" of improvement works on Classified Roads such as the Hume highway or Burley Griffin Way. This agreement is necessary on works in which the RTA has a statutory interest.
- Any work undertaken on the Hume Highway or Burley Griffin Way must be undertaken by a qualified contractor that has been approved by the RTA. A list of pre-qualified contractors may be found on the RTA's website, currently located at:
www.rta.nsw.gov.au/doingbusinesswithus/tenders/prequalifiedcontractors.html
- The requirements outlined in the RTA Publication "Operating Conditions: Specific permits for oversize and over mass vehicles and loads" are to be followed. This publication is available online at: <http://www.rta.nsw.gov.au/heavyvehicles/oversizeovermass.html>
- Where required, the applicant is required to obtain permits for any oversized and over-mass load from the RTA Special Permits Unit in Glen Innes, Ph 1300 656 371.

In accordance with Section 79C(1)(b) of the EP&A Act, the Consent Authority, is responsible to consider any likely impacts on the natural or built environment in the road reserve fronting the development site. The RTA will not undertake a separate Part 5 environmental assessment of the environmental impacts in the road reserve for this proposal.

Upon determination of this matter, it is requested that a copy of the notice of determination is forwarded to the RTA within the appeal period for advice and consideration.

Yours faithfully

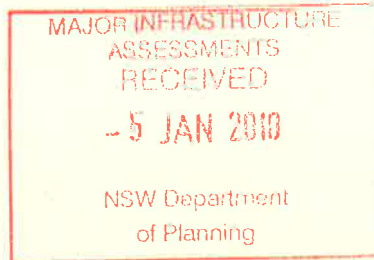
S B Warrell
Regional Manager
South West Region

yass valley council

the country the people

Your Reference:
Our Reference: FL.L.02.00.00
Correspond No: 5353
Contact: Ms S Jurcevic/SJ
Phone: (02) 6226 1477

Address all correspondence to:
General Manager
Yass Valley Council
PO Box 6
YASS NSW 2582



22 December 2009

Ms Dinuka McKenzie
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Dear Ms McKenzie,

Re: ENVIRONMENTAL ASSESSMENT EXHIBITION - YASS WIND FARM (MP08 0246)

I refer to your correspondence dated 11 November 2009 regarding the exhibition of the Environmental Assessment for the Yass Wind Farm. I thank you for the opportunity to comment on this proposal.

This submission comments specifically on the following issues which Council considers are deficient in the Environmental Assessment and Statement of Commitments:

- Traffic and access arrangements;
- Lack of contribution to a Community Enhancement Fund; and
- Community and Council communication.

1. Traffic and Access Arrangements

Yass Valley Council has responsibility for the augmentation and maintenance of approximately 1,000 km of rural and urban roads and a very limited budget to do so. Accordingly, when development occurs within the Yass Valley Local Government Area (LGA), it is the developer's responsibility to provide appropriate traffic and access arrangements.

This is generally achieved via the payment of Section 94 development contributions and/or the upgrade of roads to ensure that the existing community and Council are not unfairly burdened as a result of the proposed development. It is with this in mind that the following comments are made in relation to the proposed traffic and access arrangements.

- (a) The traffic study considers the proposed increases to traffic volumes from construction traffic in terms of vehicle movements and equates this to a "level of service" in accordance with Austroads Guide to Traffic Engineering Practice. While this method gives a broad indication of the traffic volume capacity of a road, it does not consider important aspects such as:
- (i) the structural capacity of the road pavement and its ability to withstand increased traffic and in particular increased heavy vehicle traffic;
 - (ii) road safety issues such as sight distance, proximity of trees to the clear zone, and the existing horizontal and vertical alignments (design speed) of the road; and
 - (iii) the number of heavy vehicle (both standard and oversized) trips as opposed to passenger/light vehicle trips which has a very large impact on points (a) and (b) above.

For these reasons, the traffic impact study is not considered to adequately address the potential impacts of traffic on the road network and as a result, there is a high likelihood that the condition of the subject roads and road user safety will be compromised as a result.

- (b) There is significant concern over the road network's ability to withstand the heavy vehicle loadings associated with the proposed development. This is particularly a concern on Illalong Road, Burrinjuck Road and Paynes Road which are all currently sealed. In particular, Illalong Road and Burrinjuck Road have pavements which were constructed many years ago using natural materials and are not suitable for large numbers of heavy vehicles.

As you would be aware, road pavements are designed to provide a given life based on the number of Equivalent Standard Axles (ESA) expected to use the road over the life of the pavement. Heavy vehicles have numerous axle groups and as such significantly increase the number of ESA's which in turn increases the rate at which the pavement will deteriorate. The increase in traffic proposed by the development and in particular the increase in heavy and oversize loads will not only cause immediate deterioration, but will have a detrimental effect on the overall life of the road pavements.

The Traffic Impact Study suggests that a dilapidation report should be undertaken prior to commencement of work and again at the completion of the construction phase to determine any deterioration of the pavement so that repairs can be undertaken. The methodology is not considered appropriate as it does not address the overall reduction in pavement life caused by the development. It is likely that there will be deterioration of the road pavement which is not easily visible from the surface and will result in future costs to Council as the road deteriorates more rapidly into the future.

To this end, Council has imposed a load limit on Illalong Road to protect the road pavement from heavy vehicles. You should also note that Burrinjuck Road has significant failures and deformation along the entire length of the road. The Traffic Impact Study undertaken by Bega Duo Designs refers to both these issues however there is no proposed methodology for dealing with the issues as part of the development.

Accordingly, It is suggested that as a minimum the developer should undertake a structural assessment of the existing pavements and where these pavements are found to be sub-standard, improvement works should be undertaken to bring them up to the required standard. This should be done using scientific investigative techniques and the Austroads Pavement Design Guide to determine an adequate pavement thickness. Council's Road Standards Policy RD-POL-09 specifies a design traffic loading of 1×10^5 ESA's for roads with an AADT of 51 – 200 vehicles per day and this is considered appropriate for these roads given the existing and predicted traffic volumes. This Council Policy is included with this letter for your information.

- (c) Safety is a major concern on the unsealed roads planned for use in the proposed development. Whitefield Road, Waterview Road and Garry Owen Road are all sub-standard gravel roads with narrow pavements, tight winding alignments and large trees in close proximity to the road.

For any proposed rural development, Council would require these roads to be upgraded by the developer and this should be no different for a large commercial development such as the proposed wind farm.

These roads are not suitable for the increased traffic volumes, nor are they suitable for use by large numbers of heavy vehicles and in particular oversized vehicles. As such it is suggested that they should be upgraded in accordance with Council's Road Standards Policy RD-POL-09. For roads with an AADT of 51 – 200 vehicles per day, this would require a 7 metre wide formation and 6 metre seal, with the road pavement designed in

accordance with the Austroads Pavement Design Guide using a design traffic loading of 1×10^5 ESA's.

A detailed review of safety should also be undertaken on each of these roads to identify potential hazards along the length of each road which should be addressed as part of the development.

- (d) There are a number of bridges and major drainage structures along the proposed routes to be used for construction and these are mentioned in the Traffic Impact Study. These include a timber bridge and two concrete bridges on Illalong Road and a timber bridge on Garry Owen Road. The load bearing capacity of all of these bridges is unknown and a structural assessment should be undertaken prior to any heavy vehicle loads using the roads. Where the structural capacity of the bridges is found to be inadequate, load limits will be put in place unless the developer is willing to undertake improvement works to increase the capacity of the bridges.

Other drainage structures should be surveyed prior to the commencement of works and any damage caused by construction traffic should be repaired to Council's satisfaction.

- (e) The Traffic Impact Study does not adequately address the location and standard of the proposed access points off the road network. The location of all access points should comply with the sight distance requirements of Table 6.3 of "Austroads Guide to Traffic Engineering Practice – Part 5: Intersections at Grade", and be constructed to the minimum standard of Layout 1 (AV) as specified in Figure 4.9.6 of the RTA Road Design Guide.

- (f) Section 10.2.8 of the Environmental Assessment Report specifies the use of a Traffic Management Plan as the main control for safety and asset protection impacts. A Traffic Management Plan would be considered appropriate for short term works but given that the construction phase of the project is planned to occur over a three year period, significant improvement works are required as the primary safety and asset protection control measure, with a Traffic Management Plan used to complement these works to further improve safety.

It is of concern that there are a number of mitigation measures detailed in Section 5.2 of the Traffic Impact Study which are not explicitly stated in the Environmental Assessment. Section 10.2.8 of the Environmental Assessment does refer to the relevant section of the traffic study but should clearly state what works are proposed as a result of the impact of increased traffic generated by the proposed development.

In summary, it is clear that the proposed development will have a detrimental impact on Council's road network. Given that Council is not the consent authority, it is important that these issues are considered and that the developer undertakes all necessary works to ensure that the road network is able to cope with the demands of the increased traffic load to ensure that public safety is not compromised.

Council is also of the opinion that it should not be left with a future liability as a result of the proposed development and it is not considered appropriate to merely repair defects that appear during the construction period as this will not address the underlying deterioration of the roads.

2. Lack of Community Enhancement Fund

The Conroys Gap Wind Farm was approved by the Minister for Planning in 2007 and was the first wind farm to be approved in the Yass Valley LGA. This project was for the construction and operation of 15 turbines with a total generating capacity of 30 megawatts.

The project approval for Conroys Gap included the requirement to establish a Community Enhancement Program with an annual contribution of \$25,000 indexed to CPI for the life of the project for community infrastructure and services for use in the locality of the project.

This requirement to provide a Community Infrastructure Fund sets a clear precedent for the establishment of Community Enhancement Funds in association with the development of wind farms in the Yass Valley LGA. It is certainly the expectation of Council and the community that a Community Enhancement Fund be provided for this project, commensurate with the number of turbines to be developed and megawatts to be generated. As a bare minimum, a similar commitment to that made to Conroys Gap should be provided.

Epuron has briefed Council and met with Council officers on a number of occasions to discuss the proposed wind farm and the provision of a Community Enhancement Fund has been a key issue which has been raised.

Again, it is reiterated that when development occurs in the Yass Valley LGA, it is both the Council's and the community's expectation that the development contributes an appropriate amount of funding for community infrastructure. It is therefore not acceptable nor equitable that this development should not be expected to make a similar contribution.

3. Community and Council Communication

Council has had previous experience where major works have commenced without any notice to Council or the community. So as to avoid confusion and misinformation, it would be appreciated if it was required that Council is advised of the commencement of construction works so that this can be effectively communicated when community members call Council regarding this project. It would also be beneficial to the developer to provide the community with notice that works are to be undertaken.

Thank you for the opportunity to provide a submission on the Environmental Assessment for the Yass Wind Farm. Should you wish to discuss any of the issues raised in this letter please contact Councils Director of Planning and Environmental Services Mr Paul De Szell on 6226 1477 or by email to paul.deszell@yass.nsw.gov.au.

Yours Sincerely,



David Rowe

General Manager

Encl:

- RD-POL-09 – Road Standards Policy

Title: ROAD STANDARDS POLICY RD-POL-9

Keywords: Access, Parking, Road Standards, Right of Way, Dual Occupancy, S94.

Service: ROADS

Responsible Officer: DIRECTOR OF OPERATIONS

Objective

1. To provide guidelines for the minimum standards of roads, private accesses and parking facilities;
2. To provide guidelines for developers and staff for assessing development applications.

Policy

Definitions:

- **Dwelling** - "A room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile";
- **Dwelling House** - "A building containing one but not more than one dwelling";
- **Dual Occupancy** - "A building or group of buildings on one allotment of land containing two dwellings";
- **Existing Parcel** - as defined in Council's Environmental Planning Instruments.

1. Right of Carriageway (RoW) Access

- 1.1. RoW's are not a desirable form of access and will not be permitted where subdivision to create new allotments with an entitlement to erect a dwelling house(s) is proposed, irrespective of the type of access arrangements currently servicing the land;
- 1.2. RoW's will only be considered to allow access from a road maintained by a public authority to a proposed dwelling house on an allotment where that allotment is either:
 - 1.2.1. a vacant "existing parcel" or "land with a dwelling entitlement" currently accessed by a 'ROW';

OR

1.2.2. a vacant allotment lawfully created by subdivision for the purpose of a dwelling house under a previous planning instrument of Council which may be currently accessed by an existing right of way.

Note: Existing RoW's (or part thereof) that are substandard may require upgrading to the minimum standard specified in Clause 1.4, where there is a safety or environmental issue to be.

1.3. Where the demand proposed to be created is in addition to that outlined in clause 1.2, such as a dual occupancy dwelling house on any allotment, the RoW shall be upgraded to a public road as per Section 6 of this policy, where the number of dwellings (or equivalent traffic loading) accessing the RoW is greater than 3.

1.4. Minimum requirements for construction of RoW's shall be:

Table 1.0. – RoW Characteristics

Maximum No. of Accesses	Dedicated Width (m)	Pavement Width (m)	Pavement Depth (mm)	Drainage Design l in ... Years	Design Traffic ESA's
1	7.5	3.5	100 ¹	5	1 x 10 ³
2, 3	8.5	4.5 ²	150 ¹	5	5 x 10 ³

¹ Minimum compacted depth of approved roadbase, designed in accordance with AUSTRROADS "Guide to the Design of New Pavements for Light Traffic

² 3.5 m where the length of RoW is <50m and the public road is a low volume road with <30 vpd and has an existing width of <4.5m.

1.5. Maintenance of RoW's is the responsibility of the beneficiaries and this shall be included on the relevant title deeds of each property by way of an 88B. clause;

1.6. Any RoW in an urban or rural-residential environment shall be bitumen sealed.

2. Battle-Axe Handle Access

2.1. Battle-axe allotments will only be approved where it can be demonstrated that the proposed layout supports the planning and the environmental objectives of the area;

2.2. Battle-axe handle accesses are not permitted to two adjoining allotments;

2.3. The maximum length of a battle-axe handle is 300 metres;

2.4. Construction standards for rural and rural/residential zones:

2.4.1. shall be in accordance with Table 1.0.;

2.4.2. shall include bitumen sealing with a two coat bitumen seal of 14mm./7 mm., where located within 300 m. of an existing residence or designated building site on an adjacent property;

2.5. In urban zones the construction standard shall be a minimum 100 mm. thick approved compacted gravel, 3 m. wide, with a two coat bitumen seal or similar all weather pavement, within a 4 m. wide battle axe handle;

2.6. Clause 2.4.2. does not apply in subdivisions where allotments are greater than 6 ha.

3. Urban Property Access

3.1 All property entrances accessing an urban road or village street shall be constructed to the following minimum specifications from the road pavement to the property boundary:

- minimum 100 mm. thick approved compacted gravel, 3 m. wide;
- two coat bitumen seal or similar all weather pavement where the driveway accesses a sealed pavement;
- concrete vehicle crossing in kerb if applicable, or concrete dish drain, or concrete culvert beneath the driveway.

3.2 Material for access off Cork Street, in the Heritage Precinct of Gundaroo, between Faithful Street and Rosamel Street shall be decomposed granite or other appropriate material.

4. Rural Property Access

All property entrances accessing a rural or rural/residential road shall be constructed to the following minimum specifications from the road pavement to the property boundary:

- 160 m. safe intersection site distance for a 80 km/hr speed zone, or 225 m. for a 100 km/hr speed zone, measured from a height of 1.15 m. to 1.15 m., subject to the appropriate grade correction factors being applied;
- Minimum 4 m. (Max 9m) wide at the property boundary;
- Minimum 6 m. wide at the edge of the road pavement;
- Minimum of 100 mm. thick approved compacted gravel;
- Two coat bitumen seal of 14 mm./7 mm. where the driveway accesses onto a sealed pavement;
- Gate to be set back 15 metres from the edge of pavement;

- Reinforced concrete pipes (minimum of 375 mm diameter) and headwalls are to be provided through the table drain. Pipes are to be designed for a minimum of a 1 in 5 year storm event and installed in accordance with AS 3725. Design requirements relate to the 'category' of the road, refer Table 2 of Clause 6.2 Alternately, a reinforced concrete dish drain (minimum of 150 mm. thick) 900 mm. wide by 5 metres in length may be constructed in the table drain where a pipe culvert would be unsuitable, due to the cover requirements.

5. Parking for Commercial/Industrial Use

All parking facilities within a village or urban zone for commercial and light industrial vehicles, up to 11.5 m. long, shall be constructed to the following minimum specifications:

- 150 mm. thick approved compacted gravel;
- two coat bitumen seal of 14 mm./7 mm.

Outside the parameters of this clause, a qualified engineer shall design parking facilities to the requirements of AusSpec.

6. New Roads

6.1. General

- 6.1.1. New roads shall be deemed to be any road created by a development;

OR

any existing road that is proposed to be utilised by the development which has not been formally gazetted as a Council Road or has not had any significant road formation constructed;

- 6.1.2. All new roads that are created shall be constructed to the standards specified herein, gazetted as a Shire Road and shall from thence be maintained by Council (the exception being roads held in Community Title);
- 6.1.3. Community Title Roads may be created within any development, but must be constructed to the standards applicable if it were to be created as a Shire Road;

6.2. Rural Roads

All rural roads and rural/residential roads shall be constructed in accordance with the following table:

Table 2.0. – Rural Road Standards

Category	Local Road Hierarchy	AADT ¹	Design Traffic ESA's ²	Pavement Width (m) ³	Seal Width (m) ⁶	Road Reserve Width (m)	Drainage Design 1 in ... ⁵
ACCESS	4	<50	5 x 10 ⁴	5.5	See Note 4	20	5/20
LOCAL - Minor	3	51-200	1 x 10 ⁵	7	6	20	5/20
LOCAL-Secondary	2	201-500	2 x 10 ⁵	8	6.5	25	20/50
LOCAL – Primary	1	501-1,000	5 x 10 ⁵	9	7	25	20/50
REGIONAL	-	1,001-2,000	1 x 10 ⁶	10	8	30	20/50
STATE	-	>2,000	2 x 10 ⁶	11	9	30	20/50

- NOTES:
- ¹ AADT – average annual daily traffic.
 - ² ESA – equivalent standard axle.
 - ³ Pavement – minimum depth of approved roadbase shall be 150 mm. and constructed in accordance with AusSpec;
 - ⁴ To be sealed 5.5 m. wide if located in:
 - rural/residential zone;
 - village zone;
 - Murrumbateman Precinct as defined by the Section 94 Plan.
 - ⁵ 5/20 – design shall cater for a 1 in 5 year flow beneath the road and a 1 in 20 year trafficable flow; 20/50 – design shall cater for a 1 in 20 year flow beneath the road and 1 in 50 year trafficable flow. All bridges or major structures shall be designed to pass 1 in 100 year flow beneath the structure.
 - ⁶ Minimum seal requirements shall be a two coat flush bitumen seal (14 mm./7 mm.).
 - ⁷ Minimum standard of road “Access” category (previously know as a ‘Category 1’ road).

6.3. Village Roads

- 6.3.1. All new roads are to be sealed;
- 6.3.2. Standards applicable shall be as per Table 2.0. unless it is deemed that kerb and gutter is appropriate to the development, hence Table 3.0. shall apply;
- 6.3.3. Roads within the 1(e) Rural Village Zone at Binalong shall be unsealed

6.4. Urban Roads

New streets shall be created in accordance with the following table:

Table 3.0. – Urban Road Standards

Type	Width (m) ¹	Kerb Type	Road Reserve Width (m) ⁶	Design Traffic ESA ²
Cul-de-Sac	6	Layback	15	1 x 10⁵
Local	8	Layback	18	2 x 10⁵
Collector	11	Upright	20	1 x 10⁶

NOTES:

- ¹ Width for layback kerb is measured between the lips of the kerb. Width for upright kerb is measured between the nominal faces of kerb;
- ² Pavement shall be designed in accordance with AusSpec. Minimum depth of roadbase is 200 mm.;
- ³ All roads shall be sealed with a two coat flush bitumen seal (14 mm./7 mm.);
- ⁴ Cul-de-sac head to have a 10m radius from the nominal face of kerb;
- ⁵ Alternatives to cul-de-sac treatments will be considered where the length of road is less than 50m;
- ⁶ Minimum road reserve width – this may have to be increased to allow for planned services/facilities in the particular subdivision.

7. Contribution to Existing Road Network

7.1. Section 94 Contributions

Contributions to the existing road network shall be levied in accordance with the Section 94 Plan for that zone.

7.2. Murrumbateman Precinct

7.2.1. Where an existing hierarchy 4 or 5 road in the Murrumbateman Precinct abuts the proposed subdivision/development, the existing road shall be brought up to a Category “Access” standard, along the frontage of the subject land, as detailed in Table 2.0.

This clause is additional to the requirements of Clause 7.1.

7.2.2. The application of Clause 7.2.1. above may be varied by Council depending on the nature of the development.

7.2.3. For the purposes of this policy, development assessment for roads in the former areas of Gunning and Yarrawlunla Shire be applied as if located in the Murrumbateman Precinct as defined by the Yass Valley Council Rural Roads Section 94 plan.

8. Legal & Practical Access

Each separate property shall have legal and physical access as required by the Environmental Planning & Assessment Act 1979.

This legal and physical access shall be coincident, that is, the physical access must be located within the boundaries of the defined legal access.

9. Dual Occupancy

Demand for service on an access is created by the number of vehicles that utilise the access.

Road Standards and developer contributions for upgrading the road network are applied with respect to demand. The base unit of demand is a single dwelling.

Any dual occupancy is therefore considered to create the same demands for access as an additional allotment with entitlement to erect a dwelling house. In practical terms, this means that dual occupancies are assessed similarly to subdivisions.

Other Relevant Policies/Procedures

Previously known as Policy R.5.
Environmental Planning & Assessment Act 1979
Yass Local Environmental Plan 1987
Yarrawlunla LEP 2002
Gunning LEP 1997

History

<i>Minute No</i>	<i>Date of Issue</i>	<i>Action</i>	<i>Author</i>	<i>Checked By</i>
230	10 July 2002		David Rowe	David Rowe
380	27 November 2002		Daivd Rowe	David Rowe
68	12 March 2003		David Rowe	David Rowe
441	26 November 2003	Amended	Stephen Solari	David Rowe
69	24 March 2004	Amended	Matt Dopson	David Rowe
319	14 September 2005		David Rowe	David Rowe
53	13 February 2008	Amended	Gerard Coffey	PP&R Meeting
	27 March 2008	Amended	David Rowe	EMT
147	9 April 2008	Amended		PP&R Meeting