



Department of
Infrastructure, Planning and Natural Resources

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Ms Vanessa Browne
Senior Environmental Scientist
URS Australia Pty Ltd
Level 3, 116 Miller Street
NORTH SYDNEY NSW 2060

Dear Ms Browne,

**Proposed Woodlawn Wind Farm – Greater Argyle and Eastern Capital City Regional
Councils, located off Collector Road, and west of Tarago
(Our Ref: S04/00598/1)**

Reference is made to your request of 22 March 2004 in which you sought consultation on behalf of the Woodlawn WindEnergy (WWE), a consortium of ActewAGL, Collex Pty Ltd and EHN(Oceania) Pty Ltd, with the Director General for the preparation of an Environmental Impact Statement (EIS) for the above development.

It is understood that the proposal comprises the following:

- 33, 2 MW turbines;
- each turbine will be approximately 67m high and have three fan blades, each 40m in length;
- an on-site sub-station, connected to an existing 66kV transmission line that crosses the site, and linked to each wind turbine by underground electrical cables;
- an on-site control room and equipment storage shed; and
- a network of site roads providing access to each of the turbines and the ancillary facilities, and access from the main road.

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

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

As you are aware, the Department is currently considering the statutory arrangements for this proposal. The Department will keep you informed of the progress and of any variation.

General Considerations

- Consideration of relevant Acts, policies and strategies including the:
 - State Environmental Planning Policy No. 58 – Protecting Sydney's Water Supply (noting, in particular, the matters specified in clauses 11(3) and 11(4) of the SEPP);
 - State Environmental Planning Policy No. 44 – Koala Habitat Protection;
 - Warragamba Catchment Blue Print;

- Rivers and Foreshores Improvement Act; and
 - Water Management Act.
- A water cycle management study prepared in respect of the development that addresses the following matters:
 - pre-development and post-development run off volumes and pollutant loads from the site of the proposed development;
 - the assessment of the proposed development against the matters for consideration specified in clause 10 of SEPP 58;
 - the impacts of the development on receiving waters;
 - the water cycle management strategies and best management practices proposed to be employed to address those impacts; and
 - the arrangements to be made for the ongoing maintenance and monitoring of the water cycle management system.
- A discussion of the permissibility of the proposal under Eastern Capital City Regional Council and Greater Argyle City Council Local Environmental Plans.
- Relationship and consistency with relevant NSW and Commonwealth policies on energy management and greenhouse gas emissions.
- Relationship to the electricity grid i.e. distance to the grid, capacity of the grid to accept power, likely route of the transmission line to the grid, connection method required.

Specific Issues

- Consideration of those matters raised by participants at the Planning Focus Meeting held on 18 March 2004.
- Justification for locating the proposal on this site.
- An assessment of the:
 - noise impacts undertaken in accordance with the attached guideline *Wind Farms – Environmental Noise Guidelines*, South Australian Environment Protection Authority (February 2003);
 - visual impacts associated with the proposal and a discussion of proposed mitigation measures (Note: The visual impact assessment should be illustrated with photomontages, taken from strategic vantage points (both public and private), of the turbine installations, any structures associated with the connection to the transmission line, and those elements of the transmission line that may have a cumulative visual impact in this locality taking into account any adjacent wind farm proposals);
 - site suitability and capability for the proposal with particular regard to soil erosion potential;
 - traffic and access considerations noting in particular the proposed routes and any alterations to tracks and roads that may be required to transport heavy, wide and long loads e.g. towers, turbines, and blades;
 - potential impacts on birds and bats from strikes;
 - potential impacts on bird and bat flight movement and behaviour that could affect their survival;
 - measures proposed to be adopted to offset impacts associated with construction activities e.g. earthworks, vegetation clearing, track construction etc;
 - any electric and magnetic field impacts on health, and means of minimising such. A demonstration of compliance with “prudent avoidance principles” should be provided;
 - any lighting requirements particularly those required for aviation safety and security of the site; and
 - direct and indirect property and land use impacts. Details should be provided for any land which may require acquisition or establishment of an easement. Also, consideration must be given to any off-site impacts which would restrict current and future land uses. The means of overcoming (e.g. buffers) or compensating for such restrictions should be identified.
- Identification and discussion of any indigenous and non-indigenous cultural heritage issues.

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

The Department's draft EIA Guideline entitled *NSW Wind Energy* (June 2002) should also be consulted in the preparation of the EIS (see attachment).

Development Applications (DAs) are "integrated development" where certain licences or approvals are required from bodies other than the consent authority. The Department of Environment and Conservation (DEC), NSW Heritage Council, and the Roads and Traffic Authority were identified by you as integrated approval bodies. The DEC's requirements for your EIS are attached. However no advice has been received from the other agencies. You must consult with these agencies and have regard to any requirements they may have when preparing your EIS.

If further integrated approvals are identified before the Development Application is lodged, you must consult with the relevant agencies to identify their requirements for the EIS.

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

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

You should consult with Greater Argyle and Eastern Capital City Regional Councils and take into account any comments these councils may have in the preparation of the EIS. The EIS

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

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

should also address other issues that emerge from consultations with relevant local, State and Commonwealth government authorities, service providers and community groups including:

- Commonwealth Department of Environment & Heritage;
- Department of Infrastructure, Planning and Natural Resources (formerly Department of Land and Water Conservation);
- Department of Primary Industries (Fisheries and Agriculture);
- Local Aboriginal Land Council;
- Local Catchment Management Committee/Trust;
- Country Energy;
- Department of Lands;
- Roads and Traffic Authority;
- Department of Utilities, Energy and Sustainability;
- Sydney Catchment Authority;
- Sustainability Energy Development Authority (soon to become the Department of Energy); and
- NSW Health (Environmental Health Branch) – regarding magnetic fields.

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

Please do not hesitate to contact Paul Weiner (telephone 02 9762 8144) should you have any further enquires.

Yours sincerely

Jim Lindsay 12/5/04

For

Mark Hather
Director
Major Infrastructure Assessment
As Delegate for the Director General

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

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