

4. Planning Context and Consultation

This chapter describes the statutory planning context for the proposed modifications to the Woodlawn Wind Farm project

4.1 Key planning considerations for proposed modification

The development of the Woodlawn Wind Farm project and its ancillary infrastructure is subject to:

- Development consent granted to Woodlawn WindEnergy Joint Venture (WWE JV) under Part 4 of the EP&A Act on 5 October 2005 by the NSW Minister for Planning and is applicable to lands specified in Schedule 1 of the Consent instrument. The Conditions of Consent also include General Terms of Approval in relation to Aboriginal cultural heritage (Attachment A).
- The consent was based on the *Woodlawn Wind Farm Environmental Impact Statement* (Volumes 1 and 2) prepared by URS, dated September 2004 and as revised by a report entitled *Assessment of Revised Transmission Line Option: Woodlawn Wind Farm* prepared by URS, dated 11 February 2005.
- Acquisition by Woodlawn Wind Pty Ltd of the project and associated leases of required lands from Woodlawn WindEnergy Joint Venture (WWE JV).
- Modification Approval in accordance with the provisions of Section 96(2) of the EP&A Act, granted to Woodlawn Wind on 12 May 2010.
- The modification approval was based on the *Statement of Environmental Effects – Woodlawn Wind Farm Modification* dated January 2010 and prepared by Aurecon.
- The minor Modification Approval dated 13 July 2010 which reinstates previously omitted land titles required for the use of northern access route and transmission lines.
- Woodlawn Wind Pty Ltd proposal to obtain consent to permit a further modification to the development that would expand the project to include three additional wind turbines.
- Department of Planning's requirements issued on 5 July 2010 in relation to the assessment of proponent's proposed variation to the project.

Planning and legislation has been extensively reviewed in the previous 2004 EIS and the 2010 SEE. Aspects which are unchanged from the form described in these documents and for which the existing consent is applicable are not reproduced in detail in this assessment. This information is available in the earlier SEE prepared to support the modification application approved on 12 May 2010 (Aurecon, 2010).

The proponent's proposed expansion of the Woodlawn Wind Farm project, by the addition of three wind turbines, has been considered in respect of the key Commonwealth, State and local environmental legislation and relevant matters as described in the following sections.

4.2 NSW planning legislation

4.2.1 Environmental Planning and Assessment (EP&A) Act 1979

The Woodlawn Wind Farm project obtained Development Consent from the NSW Minister for Planning under Part 4 of the EP&A Act in 2005. The project was considered a "State Significant Development", an Integrated Development, under Section 91 and a Designated Development under Clause 18(1)(c) of Schedule 3. The EP&A Act includes provision for modifications to be made to a Development Consent in accordance with Section 96 of the Act. A modification to the original wind farm approval was granted under Section 96(2) of the EP&A on 12 May 2010.

The application by Woodlawn Wind Pty Ltd for a further modification of the approved development consent is also sought under Section 96(2) of the EP&A Act. The Department of Planning is the consent authority for this application.



In determining an application for modification of the consent under this section 96(2) of the EP&A Act, the consent authority must take into consideration the matters referred to in Section 79C which are of relevance to the development, the subject of this application.

The Director General's Requirements (DGRs) (Appendix A) require an assessment of the proposed modifications by referencing the relevant matters in Clause 79C. It is considered that this supplementary SEE addresses the relevant matter. This assessment has been included in Appendix A.

Substantially the same development

The proposed expansion of the wind farm to a 23 turbine wind farm, including the three additional wind turbines and associated facilities addressed in this assessment, will not significantly change the general form of the wind farm or the purpose of the development. Prior to granting approval for the previous modification application, approval had been granted to develop the site as a 25 turbine wind farm. As such it is considered the modified wind farm project is substantially the same development as originally approved.

4.3 Applicable Local Government Instruments

The approved wind farm is located on the boundary of Palerang Shire LGA and the Goulburn Mulwaree Shire LGA (Figure 1.4). The following Local Environmental Plans (LEP) are therefore applicable to various parts of the Woodlawn Wind Farm:

- Goulburn Mulwaree (July 2009)
- Mulwaree (1995)
- Yarrowlumla (2002)

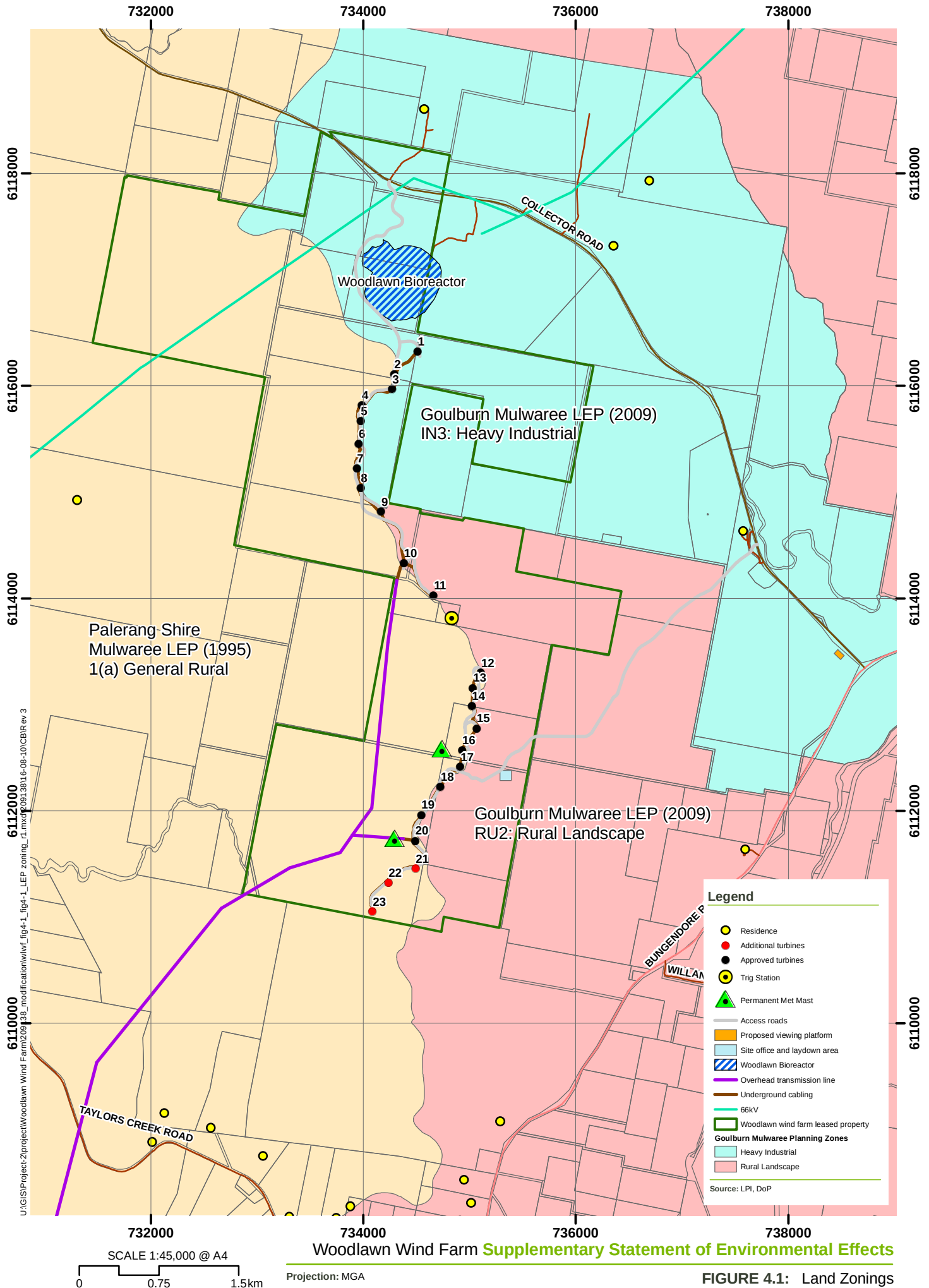
The proposed modifications are located wholly within the Palerang Shire and are therefore subject to the conditions of the *Mulwaree LEP 1995*, as discussed in the following Section.

4.3.1 Mulwaree LEP 1995

The proposed additional wind turbine sites and associated infrastructure are wholly located within the *Mulwaree LEP 1995* on land classed as Zone 1(a) – General Rural.

The objectives applicable to Zone 1a were set out in detail in Appendix C of the 2010 SEE, together with an assessment of the relevance of the development to each of the Zone 1(a) objectives. The wind farm development is consistent with the zone objectives.

The special provisions and general considerations for development under the Mulwaree LEP have also been considered in respect of the proposed expansion of the wind farm. The modification does not introduce any new aspects for consideration and is therefore also consistent with the zone objectives and the other provisions of the Mulwaree LEP.



4.4 State Environmental Planning Policies (SEPPs)

A number of applicable SEPPs were extensively reviewed in the previous 2004 EIS and 2010 SEE. Table 4.1 provides a summary of the outcomes of these reviews:

Table 4.1 – SEPPS review in the previous assessments

SEPP	Comments
SEPP 44 Koala Habitat Protection	Schedule 1 of the SEPP lists the LGA to which SEPP 44 applies. This schedule includes the former Mulwaree LGA. The flora and fauna assessments undertaken for the 2004 EIS and 2010 SEE both indicated that the site did not contain koala habitat or core koala habitat and therefore the provision of SEPP 44 were not applicable. The additional three turbine sites are within the areas previously assessed.
Drinking Water Catchment SEPP	The 2004 EIS indicated that: - the proposed wind farm would have a neutral effect on water quality - the water quality management practices would be sustainable over a long term and - the development was consistent with the objectives and water quality standard of the Warragamba Catchment Blueprint (which was applicable at the time) The 2010 SEE stated that the proposed variations for Woodlawn Wind Farm would not significantly change the 2004 assessment and that the approved modified wind farm would have a neutral effect on the water quality of Sydney Drinking Water Catchment. Similarly, the proposed expansion of the project through the additional three wind turbines and associated infrastructure, with appropriate controls and safeguards would have a neutral effect on water quality.
State Environmental Planning Policy (Infrastructure) 2007	This SEPP addresses all components of electricity infrastructure holistically and provides development assessment provisions which apply across the State. It outlines the planning processes for infrastructure projects under Part 3A, Part 4, Part 5 and exempt development. The SEPP also includes consultation requirements.

4.5 Other potentially applicable NSW Environmental Acts

Applicable legislation was extensively reviewed in the previous 2004 EIS and 2010 SEE. Table 4.2 provides a summary of the outcomes of these reviews and includes applicability to the currently proposed modifications:

Table 4.2 – Summary of potentially applicable NSW legislation reviewed in the previous assessments

Legislation	Comments
Protection of the Environment Operations (POEO) Act 1997	Wind farms are not regarded as 'scheduled premises' under the POEO Act. Accordingly, the Councils are the Appropriate Regulatory Authorities (ARA) in relations to matters addressed by the POEO Act.
National Parks and Wildlife (NPW) Act 1974	The NPW Act includes matters relating to Aboriginal heritage and to flora and fauna. In addition to the flora and fauna assessments and archaeological surveys undertaken for the 2004 EIS and 2010 SEE, additional assessments targeting the proposed turbines sites and associated infrastructure were undertaken in June 2010. Kevin Mills and Associates (KMA) conducted the flora and fauna assessment. The findings are presented in Appendix F and are summarised in Chapter 7. Biosis Research undertook a Heritage assessment of the areas affected by the proposed changes. The findings of this investigation are presented in Appendix G and are summarised in Chapter 8. Appropriate controls and safeguards for inclusion in the CEMP are presented in this Supplementary SEE.
Heritage Act 1977	The aim of the <i>Heritage Act</i> is to conserve the 'environmental heritage' of the state, which are significant for historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic values. Excavation permits, issued by the Heritage Council of NSW in accordance with sections 60 or 140 of the <i>Heritage Act</i>, are required for any works, excavations or activities, associated with an archaeological site. Biosis undertook a Heritage assessment of the areas affected by the proposed changes. The findings are presented in Appendix G and summarised in Chapter 8.
Threatened Species Conservation Act 1995	This Act sets out matters that must be taken into account in deciding whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats. An assessment to address these matters in relation to proposed modification was undertaken by KMA and included the 'seven part tests' of significance for threatened species. The findings presented in Appendix F are summarised in Chapter 7.
Water Management Act 2000	The <i>Water Management Act</i> provides for the sustainable and integrated management of the water sources of the State for the benefit of both present and future generations and, in particular, provides a framework for the development of water management plans which address water sharing, water source protection, drainage and floodplain management. The construction of the additional turbines will be subject to the project Soil and Water Management Plan (SWMP). The Plan will be updated to incorporate any additional measures as a result of the proposal.

Legislation	Comments
Native Vegetation Act, 2003	Native vegetation (trees, shrubs and grasses) are protected through the <i>Native Vegetation Act, 2003</i> which includes requirements in respect of clearing of native vegetation. A vegetation survey for the proposed turbine sites and tracks was undertaken by KMA to identify species potentially affected by construction. Proposed clearing is mainly associated with excavation for the installation of footings for the wind turbine generators. Most of the earthworks will be undertaken in areas that have been subject to considerable disturbance, including clearing for grazing, and some of these areas contain some native grassland of low to moderate quality. Disturbance will avoid any areas identified by KMA as being of sufficient quality to warrant their conservation.
Roads Act 1993	Under section 138 of the Roads Act consent is required from Council for certain actions in relation to public and classified roads. Local Government transport responsibilities Transport of plant and equipment to site through the City of Goulburn requires consultation with Goulburn Mulwaree Council to agree the transport routes for large or heavy items and any conditions for vehicle movements and road safety. Transport routes to the Woodlawn Wind Farm site have been assessed and approved. Site access details are described in more detail in Chapter 9. Woodlawn Wind Pty Ltd will consult with the Palerang and Goulburn Mulwaree Councils in respect of any works required on roads and if required obtain a permit under the Roads Act for any modifications proposed to approved transport routes. A transport management plan for the approved project is currently being considered by the relevant authorities as part of the project CEMP. Once adopted, this plan would not require any significant modification due to the additional wind turbines. It would be updated to reflect any minor changes to the overall plan.
Surveying Act 2002 No 83	The Land and Property Management Authority (LPMA) was contacted in December 2009 to determine whether the proposed modifications described in the 2010 SEE would impact on survey activities at Sally Trig Station. The Authority concluded that <i>"Though the Woodlawn Wind Farm structures will interfere to some extent with the utility of our Trigonometrical Station Sally, the Land and Property Management Authority has no objections to the proposed position of the structures as shown on the diagram".</i> LPI has been consulted regarding the location of the proposed activities. The addition of three turbines are not likely to have any additional impact on these activities

4.6 Commonwealth legislation

The requirements of the Environment Protection and Biodiversity Conservation (EPBC) Act, Renewable Energy (Electricity) Act, Civil Aviation Safety Regulations, Native Title Act and Radio communications legislation have been considered, as discussed in the following Sections.

Table 4.3 – Summary of potentially applicable Commonwealth legislation reviewed in the previous assessments

Legislation	Comments
EPBC Act, 1999	A further flora and fauna assessment and additional heritage assessment have been undertaken in the location of the proposed additional turbines and associated infrastructure to consider the potential impacts. These assessments concluded that the construction of the proposed three turbines are unlikely to have significant impacts on matters of National Environmental Significance (NES) and a referral to the Commonwealth Minister has not been proposed (See Chapters 7 and 8).
Renewable Energy (Electricity) Act 2000 and associated Act and Regulations 2001	The Woodlawn Wind Farm project was originally developed in the context of the Mandated Renewable Energy Target (MRET) Scheme. Since the Development Consent was granted for the Woodlawn Wind Farm, the Federal government has passed legislation in respect of an Enhanced Renewable Energy Target (eRET) Scheme to ensure that 20% of Australia's electricity supply in 2020 will come from renewable sources. The eRET legislation was passed by the Commonwealth Parliament on 24 June 2010. The eRET will separate Small-scale Renewable Energy Scheme (SRES) and the Large-scale Renewable Energy Target (LRET) from January 2011. The LRET covers large-scale renewable energy projects like wind farms, commercial solar and geothermal, and will deliver the majority of the 2020 target. The LRET's 41,000 GWh target for 2020 has been set to achieve a level of large-scale renewable electricity generation above what was expected under the existing RET. Woodlawn Wind Pty Ltd will seek to have the Woodlawn Wind Farm registered as an accredited Renewable Energy Generator.
Civil Aviation Safety Regulations 1998	The Civil Aviation Safety Regulations require that the Civil Aviation Safety Authority (CASA) be informed of proposals to build a structure greater than 110 m above ground level. Information, including the preliminary height and location of the proposed structures has been provided to CASA. Woodlawn Wind Pty Ltd has been in discussion with CASA and it has been established that the wind farm developer will determine whether a risk exists. An assessment has been undertaken and it has been determined that no aeronautical hazard is created. Based on the assessment, lighting on the turbines of the Woodlawn Wind Farm wind turbines is not warranted. This issue is further described under Section 9.4.
Radio Communications Act 1992	Potential for the Woodlawn Wind Farm to interfere with telecommunications signals was assessed in the 2004 EIS and the 2010 SEE. These assessments concluded that no potential impacts on mobile phones, aircraft navigation or Mt Sally trig station would be expected. The 2004 EIS identified an existing fixed radio link which was transmitting across the approved wind farm site and further investigation was planned during the detail design phase of project. The assessment has been updated to include the additional three turbines and is provided in Appendix H. Where necessary, adjustments can be made to the layout to avoid affecting transmission paths that pass through the site. Various measures are also available to mitigate impacts on television services, with the actual measures used depending on the nature of the interference and circumstances of the receiver.

Legislation	Comments
Native Title Act 1993	This Act provides a framework for the protection of native title within Australia and to provide for the recognition and protection of native title. At the time of the 2004 EIS, two Native Title Claims existed on the proposed site. Since then additional Native Title Claims have been lodged for an area including the Goulburn Mulwaree and Palerang LGAs. Of these, two Native Title Claims are still active – Ngunawal People and Gundungurra Tribal Council Aboriginal Corporation (http://www.nntt.gov.au). Under Division 2B of the Act, any land held as freehold or lease conferring possession, extinguishes any Native Title claim. These conditions apply to the lands subject to application for modification of consent.
Directory of Important Wetlands	Both Lake George (NSW 067) and Lake Bathurst (NSW 066) are listed in the <i>Directory of Important Wetlands in Australia</i> as nationally important wetlands. Both Lakes are large shallow (ephemeral) freshwater lakes and provide important habitat for waterbirds when containing water. Both Lakes have been mostly dry for many years. The wetlands will not be impacted by the construction of the additional three turbines as the closest turbines are on ridges about eight kilometres to the east of Lake George and nine kilometres southwest of Lake Bathurst.

4.7 Potentially applicable planning and EIA guidelines

The following planning and EIA guidelines were considered in the 2004 EIS and 2010 SEE

- Sydney to Canberra Corridor Strategy
- NSW EIA Guidelines for Wind Energy Facilities
- EIS Guidelines for Network Electricity Systems and Related Facilities (Draft February 2002)
- Wind Farm – Environmental Noise Guidelines (South Australian EPA)
- Wind Farms and Landscape Values National Assessment Framework (AWEA and ACNT 2007)

The project provides economic investment for the region, some employment opportunities, additional power generation and supply infrastructure and utilises a natural renewable energy resource. As such it can be regarded as consistent with a number of aspects of the Sydney to Canberra Corridor Strategy. The addition of three turbines would result in an increase in these benefits

The Guidelines listed above were discussed in the preparation of both the 2004 EIS and 2010 SEE. The proposed additions to the wind farm are consistent with these previous considerations. Regard to the guidance provided in these documents has been included as appropriate throughout this assessment.



SCA's drinking water catchments



Source: <http://www.sca.nsw.gov.au>



SCALE
0 20 40km

Woodlawn Wind Farm **Supplementary Statement of Environmental Effects**

Figure 4.2: SCA Drinking Water Catchments

4.8 Approvals for the Woodlawn Wind Farm project

Woodlawn Wind Farm has obtained development consent and approval for a modification to that consent. The proponent is now seeking a modification of the consent in respect of proposed addition of three wind turbines and associated facilities to the project. It also has the agreement of the respective landowners to undertake the required planning and assessment studies for the proposed changes and to submit the application for modification of the existing consent for the project. The proponent will provide details of the land owner's consent to lodge an application for modification of the approved project in respect of the proposed variations.

In addition, the planning and licensing approvals listed in Table 4.1 may be required for the development and operation of the Project.

Additional approvals may be required as a result of any modification of the existing Consent Conditions.

4.9 Consultation

Extensive consultation with the relevant local and State Government agencies, services providers, key stakeholder and the local community during the preparation of the original EIS was undertaken by Woodlawn WindEnergy Joint Venture. Additional community consultation activities undertaken by Woodlawn Wind Pty Ltd, following acquisition of the project has included; dissemination of information to both the identified stakeholders and the local community regarding proposed variations to the development, and responding to the issues raised.

With the proposed modification further community consultation activities have been required to be undertaken by Woodlawn Wind Pty Ltd with the local community likely to be impacted by the proposed modification and key government agencies, as identified in the DGRs. This has included:

- providing previously identified stakeholders with information regarding the proposed modification
- seeking further input from the local community, particularly their expectations and perceptions of the proposed variations
- responding to issues raised during the consultation in relation to the 2010 SEE and incorporated measures within the management of its operations to address the community issues as they arise
- preparation of this supplementary SEE that will provide a detailed reference for stakeholders to understand changes to the project and the associated issues arising and controls to be incorporated in the project

4.9.1 Stakeholders

Specific stakeholders, listed in Table 4.4, were engaged through the following means:

- telephone discussions
- emails
- one-on-one meetings
- provision of project information

Woodlawn Wind Pty Ltd has aimed to make information available to stakeholders as it becomes sufficiently developed to enable meaningful discussion and has sought input from stakeholders to guide the planning for implementation of the modified wind farm project. The consultation process will be continued through the development and operation of the wind farm.

Section 4.9.2 outlines the various consultations undertaken for the project including the methodologies used.

Table 4.4 – Stakeholders consulted as part of the planning process

Sector	Organisation or Group
Local Community	• Landowners of the properties on which wind farm will be developed and where the transmission line will be constructed • Neighbouring landowners within 3 km of the wind turbines • Tarago and Bungendore communities through notices in the local papers
Local Government	• Palerang Shire Council • Goulburn-Mulwaree Shire Council
NSW Government Agencies	• Department of Planning (Consent Authority) • Department of Environment, Climate Change and Water (DECCW) • TransGrid • Land and Property Management Authority (Survey Infrastructure and Geodesy Section) – Sally Trig Station • Department of Primary Industry - Mineral Resources • Rural Fire Service • Roads and Traffic Authority
Federal Government Agencies	• Office of Renewable Energy Regulator (ORER) • Civil Aviation Safety Authority (CASA) • Department of Defence
Other Stakeholder Organisations	• Pejar Local Aboriginal Land Council (PLALC) • Buru Ngunawal Aboriginal Corporation • Gundungurra Tribal Council Aboriginal Corporation • Aerial Agricultural Association of Australia (AAAA) • Local media organisations

4.9.2 Stages of consultation

Community consultation for the Woodlawn Wind Farm project involved communication with a range of identified stakeholders during the preparation of the 2004 EIS, the 2010 SEE and for this modification proposal. The key elements of consultation undertaken for the proposed addition of three wind turbines to the site and their approximate timing are summarised in Table 4.5.

Table 4.5 – Modified Woodlawn Wind Farm: Key stages of consultation

Approx. timing	Stakeholder group	Nature of Consultation
May 2010	Department of Planning and relevant Government Agencies	Notification of proposed modification to the approved project
July 2010	Department of Planning	Director-General's Requirements issued for the supplementary SEE
August 2010	Palerang Shire Council	Notification of proposed modification and variations to traffic and transport issues
August 2010	Goulburn Mulwaree Shire Council	Notification of proposed modification and variations to traffic and transport issues
Future		
After Modification Application	Local community	Distribution of Newsletter by Woodlawn Wind Pty Ltd Notifications by Department of Planning
August 2010	Department of Planning, Palerang Council and Goulburn Mulwaree Council	Exhibition of supplementary SEE
August 2010	Government Agencies	Modification Application referred to specific Government Agencies and their responses provided to Department of Planning
September 2010	Community and Department of Planning	Submissions lodged with Department of Planning Review of all submissions by the Department
Late 2010	Minister and Department of Planning	Determination of Application for Modification
Construction of additional turbines	Local community	Periodic update newsletters will be circulated with relevant local papers

4.9.3 Issues raised during consultation

A range of issues were raised during the consultation process and the key issues raised are summarised in Table 4.6 together with a summary of the proponent's response to the issue. These issues have also been addressed in the supplementary SEE.

Table 4.6 – Issues arising from consultation undertaken to date and responses to issues

Stakeholder Group	Summary of Key Issues Raised during Consultation	Summary of Response to Issue Raised
Landowners	Lease arrangements, project design and impacts on use of their land. Visual, Noise, etc.	Leases executed.
Neighbours	Visual Impact – size of turbines, impact on views, screening	Conditions of consent require landscaping plan to be developed
	Noise impacts – potential for disturbance	Layout designed to comply with relevant noise amenity criteria
	Potential for adverse impacts on land values	US, NSW and WA studies demonstrate no discernible impact on land values.
	Health and safety impacts	Controls implemented
	Traffic effects, including avoidance of heavy truck movements during school bus hours.	Thorough assessment and identification of controls

Stakeholder Group	Summary of Key Issues Raised during Consultation	Summary of Response to Issue Raised
	Impacts on birds	Assessment of risks by ecologist. Controls include avoidance of key habitat during construction and adaptive management plan required for operations
Local Government	Traffic and road safety	Liaison with Council
	Impact on rural communities	Management controls identified
	Consultation	Ongoing
Department of Planning	Adequacy of assessment and consultation	Department of Planning has issued DGRs and supplementary SEE addresses the DGRs
DECCW	Adequacy of archaeological assessment and controls	Assessed by Department of Planning and DECCW
	Adequacy of flora and fauna assessment and controls	Specialist assessment. Report reviewed by Department of Planning
	Adequacy of noise assessment and controls	Specialist assessment. Report reviewed by Department of Planning
TransGrid	Project electrical design and impact on existing power transmission system	Liaison with TransGrid and specialist studies
Dept. of Lands	Impacts on Sally Trig Station and survey activities	Avoidance and barriers as required.
NSW Agriculture	Impacts on agricultural activities	Minimal impact
Rural Fire Service	Bushfire risk and safety	No residences constructed as part of the development. Works to be managed to avoid bushfire risk
NSW Investment and Infrastructure	Details of Mineral Titles obtained. Mineral resources recovery not restricted by the wind farm development.	Investigations indicate that no conflict with mineral titles
DPI	Subsidence Zone issues	No issues identified
DEWHA	Impacts on National Environmental Issues	Specialist review and no need for referral
Aboriginal Stakeholders	Impacts on heritage values of the locality	Assessment on-going with their involvement
Local business	Opportunities for some local business growth	Minor consultation. Local updates will provide details of project status

4.9.4 Contact details

The contact details for Woodlawn Wind Pty Ltd are as follows:

	Woodlawn Wind Pty Ltd
Contact	Mr Chris McGrath
Phone:	(02) 8031 9900
Facsimile	(02) 9247 6086
email:	chris.mcgrath@infigenenergy.com
Address	Level 22, 56 Pitt Street, SYDNEY 2000