

ES/DF02082012BodangoraWindFarmEASubmission



2 August 2012

Major Projects Assessment
Department of Planning & Infrastructure,
GPO Box 39
SYDNEY NSW 2001



Dear Sir/ Madam,

RE: Submission for Bodangora Wind Farm Environmental Assessment

Council would like to thank you for the opportunity to comment and make submission on the environmental assessment for the proposed Bodangora Wind Farm.

The following comments are provided from a review of the exhibited environmental assessment:

Director-General's Requirements

Council considers the environmental assessment to be generally compliant with the directed requirements. However, there are matters in particular which Council is concerned have not been adequately addressed:

1. DGR: Strategic Justification – *"include an analysis of the suitability of the project with respect to potential land use conflicts with existing and future surrounding land uses (including rural residential development, building entitlements)..."*

From a review of Chapter 2 it does not seem apparent that building entitlements, used or otherwise, have been considered. There is no information contained within the environmental assessment that provides an analysis of the project's potential impacts on rural dwelling entitlements. It is important to ensure that there are no un-used building entitlements on allotments of land in close proximity to the wind farm development. If there are existing un-used dwelling entitlements on such land located within the 2km zone from

the wind farm, the potential for entitlements to be developed in the future is greatly reduced.

Chapter 16 states there are no neighbouring residences within 2.0km of any wind turbine. The chapter further continues to quote the NSW Valuer-General from an article published in 2009 – Preliminary assessment of the impact of wind farms on surrounding land values in Australia – the article suggests that from a study of 8 wind farms across NSW and Victoria 40/45 sales did not show any value/price reduction associated with the wind farms. This report however does not document or mention the loss of value associated with un-used dwelling entitlements.

Council believes it is important to ensure landowner's entitlements are maintained, if this is not the case, it may be of value for the proponent to engage in further consultation with landowners.

2. DGR: Aboriginal Heritage – *“the EA must demonstrate effective consultation with indigenous stakeholders during the assessment and in developing mitigation options (including final recommended measures)...”*

The EA specifically documents that attempts were made to consult with the Wellington Local Aboriginal Land Council (WLALC); however, at the time the study was conducted the organisation was not functioning.

This is not considered adequate or effective consultation. It is most important that the proponent revisit the consultation with Aboriginal stakeholders. It is correct that the Wellington Local Aboriginal Land Council has not been operational for some time, however there is an Administrator for the Council, with a number of different group representatives within the local area. Consultation with the Wellington Local Aboriginal Land Council and Wellington Aboriginal Community Working Party should occur prior to approval being granted.

The study does not make mention of any consultation with the local Gallangabang Aboriginal group. Wellington Council insists that the Gallangabang group be consulted with, prior to approval for construction to commence.

3. DGR: Traffic and Transport:

Council provides the following information and recommendations/conditions.

Construction Period

Council notes the intent of the document as follows:-

- All wind farm traffic, including all turbine and tower components will access the construction site via Gillinghall Road off Goolma Road.
- Access to the proposed substation site for construction will be via Goolma Road and then on the Gunnegaldrie Road.

- 3.1 A detailed condition survey of Gillinghall Road be undertaken, complete with photographs and agreed by Council.
- 3.2 Agreement signed that on completion of construction, Gillinghall Road will be reinstated to an equivalent or better condition than that found in the condition survey.
- 3.3 If other Council roads are to be trafficked by wind farm vehicles, Council must be notified and condition surveys completed.
- 3.4 All access roads off Gillinghall Road to be identified and approved by Council. Consideration must be given to sight distance, drainage, gates, cattle grids, etc, together with swept paths for blade trailers.
- 3.5 A condition survey of Gunnegaldrie Road be undertaken and agreed by Council. Council and the property owners on Gunnegaldrie Road have concerns relating to the use of Gunnegaldrie Road for transformer access to the substation site. An alternative access is via Twelve Mile Road and should this alternative route be chosen, Council reserves the right to comment on the conditions of access and, in particular, the creek crossing at the southern end of Gunnegaldrie Road.
- 3.6 Where residences on Gillinghall Road and Gunnegaldrie Road are located within 400m of the road, the road is to be sealed to a width of 6.0m for a distance of 150m either side of the point of access to the property. This measure is to suppress dust and improve safety. All works undertaken are to comply with Council's standard specifications for a two coat seal.
- 3.7 Throughout the construction period, the proponent will maintain all Council roads utilised by wind farm traffic within the development area in good condition, providing safe all-weather access. Council requires three-monthly inspections of such roads with the proponent.
- 3.8 Council will request a speed limit of 80kph on all roads within the development area.
- 3.9 Adequate advisory signage is to be erected within road reserves to advise intending traffic of the route to be taken to access the wind farm development. Approval must be gained for the adequacy and intended location of such signage from either the RMS (Goolma Road) or Council or both.
- 3.10 Major components may access the area via the Mitchell Highway. Council seek consultation on the final Traffic Management Plan and, in particular, the route proposed through Wellington. The Traffic Management Plan should consider school bus routes and delivery during daylight hours only.

- 3.11 The Traffic Management Plan should detail what measures will be taken to ensure all heavy loads, including concrete delivery and other components, will access the substation via Goolma Road and Gunnegaldrie Road and NOT via Twelve Mile Road.
- 3.12 Council notes that a section of Gunnegaldrie Road, commencing approximately 1.8km east of Goolma Road and up to the intersection of Budgalong Road, crosses freehold land. The proponent shall acquire the land to be opened as a public road and pay for all survey, registration and legal costs associated with such acquisition. This will ensure security of access.
- 3.13 The proponent will provide to Council, details of all underground cable and overhead powerline locations and show where they intersect road reserves prior to the commencement of construction. Council should approve all submitted details prior to construction. This is a requirement of the Roads Act 1993.

4. Operational Phase (Roads)

- 4.1 During the operational phase of the wind farm, access will be required on a daily basis for technicians servicing the turbines. Access will also be required for heavy plant and crane for blade and gearbox change over on an occasional basis plus, of course, plant to maintain internal access roads and visitors to the wind farm. The increase to the current ADT on Gillinghall Road and Gunnegaldrie Road will be significant with a smaller impact on other roads adjacent to the completed facility (Driell Creek Road for example).

The rate of degradation to surface conditions of roads accessed by wind farm operational traffic will be significant with a consequential increase in the maintenance requirements for these roads. Major construction may be required on these roads, from time to time, due to base or subgrade failure as a direct result of increased traffic volume.

It is therefore required that the proponent contribute to the annual maintenance of public roads within the wind farm operational area for the life of the wind farm. Such contributions to commence on acceptance by Council that the roads have been returned to the conditions found prior to construction, after completion of the wind farm.

A Voluntary Planning Agreement (VPA) is required by Council to be struck with Infigen Energy to incorporate the upkeep and maintenance of said roads and infrastructure for the life of the project. Such financial contribution as agreed is to be subject to the CPI and paid annually.

- 4.2 Council will only agree to the use of Twelve Mile Road for light traffic (up to 12 tonne GVM) access. This relates to any traffic which may access the sub-station

site via Twelve Mile Road. This requirement ensures disturbance to residents and stock along Gunnegaldrie Road is minimised.

5. Electrical Reticulation

The statement in the EA that the ancillary items to the project include 5.8km of overhead cabling is somewhat misleading. Council understands that the power generated by a group of turbines is collected in a “string” or collector group. With 34 turbines, it is likely that there will be 4 collector groups and therefore 4 x 33 kv circuits accessing the sub station. It therefore follows that there will be 2 x double circuit 33kv overhead transmission lines from the wind farm to the sub station. Figure 1.3 indicates the line from the wind farm to be from WTG 18 to the sub station.

Council seeks clarification of the proponent’s intentions in this regard.

6. DGR: Hazards/ Risks

Council does not believe that the EA has addressed the matters stipulated within the DGRs. There are a number of matters that are not given consideration in the EA, including, but not limited to:

- Defined air traffic routes
- Aircraft operating heights
- Radar interference
- Communication systems
- Navigation aids
- Safe and efficient aerial application of agricultural fertilisers and pesticides.

These unaddressed matters are of great concern to Wellington Council, the community and airstrip users. The EA specifically notes that the wind farm is not expected to present an obstacle to any unregistered aircraft landing in the locality. However, comments have not been obtained from all relevant and interested parties to ascertain that no obstacle exists to users and/or operators.

To date, letters have been sent as part of the consultation process to the Aerial Agriculture Association of Australia, Airservices Australia and the Civil Aviation Safety Authority. One (1) response was received from the Civil Aviation Safety Authority, these comments noted that comments and assessments should be gained by Airservices Australia and the Aerial Agriculture Association of Australia. There is no indication of comments being received by these agencies. Council requests that the proponent obtain such assessment and comment prior to approval being granted.

The EA documents consultation with CASA, with a response from CASA noting:

"CASA has no specific authority to require marking or lighting of obstacles that are not at (or in the vicinity of) an aerodrome".

This advice is correct as CASA does not regulate this landing area. However, the users and operator of the aeroplane landing area remain concerned about the proximity of the wind turbine generators to the airstrip. A primary concern is the conspicuity of the wind turbines during periods of low visibility and night operations. As such, a duty of care lies with the proponent to ensure appropriate safety measures are employed to ensure the turbines are clearly discernible to aerial users.

It is recommended that consultation with Wellington Aeroclub Incorporated occur prior to the finalisation of the wind farm design and layout. This consultation should address the concerns of the users of the airstrip and result in development of appropriate mitigation and safety measures to be incorporated into the wind farm operations.

Council's Director of Technical Services has provided the following comments and requirements pertaining to air safety. These comments are considered to be an appropriate and reasonable request of the developer. Given the final design and layout of the wind farm is yet to be determined this matter should be able to be factored into the planning process.

"The nearest wind turbine generator will not be located closer than 5km to the 13/31 sealed runway at Bodangora Airstrip. The reason for such requirements is to maximise safety of aerial users during periods of low visibility and night landing operations at Bodangora Airstrip. This separation distance will also better accommodate any future development and/or registration of the airstrip."

Bushfire Risk

With regard to the assessment of the bushfire risk of the site and the proposed development, no assessment of aerial water bombing activities has been provided.

It has been advised from the Local Fire Control Centre of NSW RFS, and further recommended by Council, that the Bushfire Risk Management Plan be prepared in accordance with ISO31000.

NSW Draft Wind Farm Guidelines

As per Section 3.4 - Community Infrastructure Contributions, of the Guidelines, Wellington Council would seek to enter into a Voluntary Planning Agreement (VPA) with Infigen Energy Development Pty Ltd, in addition to any other contributions prescribed as a condition of approval.

Council would seek to formally submit a VPA upon approval of the development. This VPA would seek monetary contributions from the developer to assist with Council infrastructure

maintenance. In addition to this, Council will stipulate within the VPA other matters including mechanisms for the conservation and enhancement of the natural environment. Initial discussions have also been embarked upon with Infigen Energy to establish a Community Benefit Fund to assist community groups within the Wellington Local Government Area.

The funding quantum for these proposals will be based upon the equivalent to a Section 94 Development Contributions Plan if it was applicable.

As per Section 3.9 – Decommissioning and Replacement, of the Guidelines, Wellington Council would seek confirmation that decommissioning plans are comprehensive and liability for decommissioning rests fully with the developer or successors in law.

Council supports the consideration and compliance with the Guidelines, however Council believes the Guidelines have not strictly been adhered to throughout the environmental assessment.

Visual amenity is addressed both by a DGR and a Guideline. As such, Council wishes to note the lack of consultative process in dealing wholly with visual amenity.

(a) Visual amenity

As per the DGRs, the assessment of visual impacts should *“describe community and stakeholder values of the local and regional visual amenity and quality, and perceptions of the project based on surveys and consultation...”*. Furthermore, the NSW draft guidelines require assessment of the value and significance of landscapes.

Council does not believe this criterion has been appropriately addressed. The landscape and visual impact assessment is not considered to have thoroughly described the community and stakeholder values of the landscapes, nor have the community perceptions been widely canvassed. The assessment bases the community perception of the project on research and opinions of previous completed projects. There has not been any assessment of the local community to provide a realistic community perception.

Likewise, the community consultation that has occurred to date, with regard to the concern of visual impact, is based on a total of 17 surveys from the community open days held at Comobella Hall in September 2011. This is not considered to be representative of the majority of persons interested/affected by the project.

It is important that the recommended mitigation measures of landscaping and visual screening are carried out and maintained to a high level to ensure any impacts are minimised.

(b) Noise

An Environmental Noise Assessment has been completed by consultants Sonus Pty Ltd, for the proposed wind farm. Noise has been assessed against the *South Australian Environmental Noise Wind Farm Guidelines 2003* (SAG2003). This assessment, subject to the Department's acceptance of its adequacy, addresses those required areas of the DGRs. Consequently, the Environmental Noise Assessment would therefore appear to adequately address those wind farm noise matters including:

- Low frequency noise
- Tonality
- Excessive amplitude modulation (including the van den Berg effect)
- Auditing and compliance issues.

The noise assessment documents how community consultation should be carried out during the construction and operation phases of the development. This recommendation should be imposed as a condition of approval. This will ensure that the community remains best informed throughout the process. Council notes the following two (2) recommended conditions of approval, listed below, should be imposed to guarantee the recommendations of the Environmental Noise Assessment report are carried into effect:

EA Chapter Noise 11-17:

The proponent should inform all potentially impacted residents of the nature of works to be carried out, the expected noise levels and duration as well as contact details.

EA Chapter Noise 11-23:

The proponent will provide noise and vibration information in the community consultation, ensuring adequate awareness and notice of the expected noise. Consultation will include regular community information newsletters, a site notice board in a community location, a feedback mechanism for feedback and questions, regular updates on construction activity to local authorities to assist in complaint management, and contact details of the project manager.

(c) Health

Council would like to note that the community has outstanding and unanswered concerns pertaining to health related issues associated with wind farm developments. Council requests that further community consultation meetings be held to consult on this, and many other matters.

Other matters addressed in the Environmental Assessment

EA Chapter 9 Flora and Fauna

Council would like to note the particular importance of retaining native fauna habitats established within existing tree hollows. These native fauna habitats are noted in the EA as rare and significant. As such Council would recommend that a condition of approval be placed on the development to ensure the identified habitats are preserved and not disturbed.

Council's Director of Technical Services has further identified that the proponent should complete an Environmental Impact Statement for roadside vegetation affected by construction of new access and transportation routes. It is important that vegetation contained within these areas is formally assessed prior to its removal or disturbance to ensure that significant vegetation is retained. The impacts resulting from any road upgrades or newly created accesses through private lands should also be assessed as part of the impact statement.

EA Chapter 16 Social and Economic Aspects

The EA does not provide consideration of the potential social and economic impacts of the development associated with the additional demand on services in the region. Matters which are of importance include the impact of the increased demand on housing stock and the implications on the rental market, the increasing demand on limited resources in the region, such as health and education services and the impact on the region resulting from an increased demand for skilled labour.

The chapter details that the development is unlikely to affect the ongoing rural use of land within the project area or the rural use of neighbouring land, supporting this with a statement that there are no neighbouring residences within 2.0 kilometres of any wind turbine. The EA does not provide a consideration of un-used building entitlements on allotments within this radius. The potential for the physical development of these entitlements in the future will be reduced on land within the project area and on neighbouring land within a two kilometre radius of a wind turbine. It is important that the potential to utilise un-used building entitlements is maintained, so as not to constrain permissible development on the land in the future. Where un-used building entitlements cannot be maintained, the associated loss of land value should be considered.

Council would greatly appreciate your consideration of the matters raised in this submission and appreciate written correspondence addressing those outstanding issues.

Yours faithfully,

A handwritten signature in black ink, reading "Michael Tolhurst". The signature is fluid and cursive, with a small dot above the 'i' in "Tolhurst".

Michael Tolhurst
General Manager