

# Flyers Creek

## WIND FARM

### Environmental Assessment

#### CHAPTER 5 Planning Context



## 5. Planning Context and Approvals

This chapter describes the statutory planning instruments relevant to the proposed construction and operation of the Flyers Creek Wind Farm and the required assessment and approvals process.

### 5.1 Key Planning Considerations

The development of the proposed wind farm with its ancillary infrastructure requires:

- Project Approval under Part 3A of the NSW Environmental Planning and Assessment (EP&A) Act, 1979
- Consideration of the requirements of the Commonwealth's Environment Protection and Biodiversity Conservation (EPBC) Act, 1999

In addition, the requirements of various State Environmental Planning Policies (SEPPs), Regional and Local Environmental Plans (REP and LEPs) and other environmental legislation have been considered as described in Sections 5.2 to 5.7. The associated approvals to be considered for the project are listed in Section 5.8. The process implemented for, and outcomes of consultation are described in Chapter 6.

The properties on which it is proposed to construct the wind farm are privately owned and are used predominantly for sheep and cattle grazing. The development, although covering a wide area, will occupy only a small part of each property and the existing land use can be continued.

### 5.2 NSW planning legislation

In NSW, wind farm developments are subject to the EP&A Act 1979 and the relevant instruments that are created under it. The EP&A Act sets out the processes for obtaining project approval and related matters. The NSW Department of Planning is responsible for ensuring that the requirements of the EP&A Act and its Regulation are addressed for developments where the Minister is the Approval Authority.

The assessment of certain 'major' projects generally with a capital value of greater than \$30 million may be subject to Part 3A of the EP&A Act. A prerequisite for projects to be considered for approval under Part 3A of the Act is that the proposed activity constitutes a permissible use of the subject land under the relevant LEP. In addition, the SEPP (Major Projects) 2005 defines the type of developments which are to be assessed under Part 3A of the EP&A Act. Section 6 of SEPP (Major Projects) 2005 states that "*Development that, in the opinion of the Minister, is development of a kind that is described in Schedule 1 or 2 is declared to be a project to which Part 3A of the Act applies*".

In respect of wind farm developments, Schedule 1, Part 24 specifies "*Developments for the purpose of a facility for generation of electricity, including wind power, which has either a capital investment value of more than \$30 million, or has a capital investment value of \$5 million and is located in an environmentally sensitive area of State Significance*," as being subject to Part 3A of the Act.

The Director-General of the NSW Department of Planning has reviewed the Flyers Creek Wind Farm proposal including consideration of its permissibility under the provisions of the Blayney LEP (Under the LEP, the project is of a type that is permissible with consent) and has advised that the project is subject to Part 3A of the EP&A Act. The Department's letter of November 2008 (Appendix A1) confirms the project's status as a project to which Part 3A of the EP&A Act applies.

Pursuant to Section 75R of the EP&A Act, Part 4 and 5 of the Act do not apply to a project that has been declared as a Major Project under Part 3A. The exception is Division 6 and 6A of Part 4 which addresses development contributions.

SEPPs are relevant considerations for projects assessed under Part 3A Critical Infrastructure. Provisions of other environmental planning instruments such as Local Environment Plans (LEPs), do not specifically apply to projects assessed under Part 3A of the EP&A Act. However, Section 75J of the EP&A Act states that "*the Minister may (but is not required to) take into account the provisions of*

*any environmental planning instrument that would not (because of section 75R) apply to the project if approved”.*

The project is located in the Blayney Shire Local Government Area (LGA) to which the Blayney LEP applies. Despite the approval process under Part 3A not being bound by the provisions of LEPs, this Chapter nevertheless provides a review of the provisions of the Blayney LEP relative to the proposed development. The Blayney LEP identifies land zoning, the types of development that may be undertaken for the applicable zoning and the particular conditions associated with specific activities or zonings. Relevant provisions of the Blayney LEP are discussed in Section 5.2.2.

A review of the Department of Planning’s website indicates that no Regional Environmental Plan (REP) applies to the project or to the land on which it will be located.

### **5.2.1 Environmental Planning and Assessment (EP&A) Act 1979**

In the context of developments generally and the Flyers Creek Wind Farm proposal in particular, the EP&A Act and its Regulation set out requirements for:

- Preparation of LEPs
- Matters to be addressed by environmental impact assessments
- The process for lodging Project Applications
- Notification, exhibition and review requirements for the Approval Authority
- Process for Determination of Project Applications
- Other related matters

As the proposed Flyers Creek Wind Farm has been declared a major project, the project is therefore subject to determination by the NSW Minister for Planning under Part 3A of the EP&A Act. The Department of Planning supports the Minister in this process. The Director-General of the Department of Planning also sets the requirements for the matters to be addressed in the Environmental Assessment.

A Planning Focus Meeting (PFM) was held at Blayney on 19 November 2008 to present details of the proposed project to the Department of Planning, Blayney Shire Council and relevant government agencies. Following the PFM, a Project Application together with a Preliminary Environmental Assessment (PEA) was submitted to the Department of Planning on 15 December 2008. The Director-General’s Requirements for the scope and content of the Environmental Assessment are set out in the Department of Planning’s letter of 19 January 2009 that is provided as Appendix A2. On January 19, 2011, slightly modified DGRs were issued for the Flyers Creek project and they are included as Appendix A3.

On the 11 November 2009, the NSW Minister for Planning declared the proposed Flyers Creek Wind Farm to be a ‘*Critical Infrastructure*’ project (under Section 75C of the Environmental Planning and Assessment Act, 1979) (Appendix A4) being a project that is essential for the State and economic reasons and for social and environmental reasons.

Under Section 75U of the EP&A Act separate approvals for the following are not required for the Flyers Creek Wind Farm.

- an approval under Part 4, or an excavation permit under section 139, of the *Heritage Act 1977*
- an Aboriginal heritage impact permit under section 90 of the *National Parks and Wildlife Act 1974*
- an authorisation referred to in section 12 of the *Native Vegetation Act 2003* (or under any Act to be repealed by that Act) to clear native vegetation or State protected land
- a bush fire safety authority under section 100B of the *Rural Fires Act 1997*
- a water use approval under section 89, a water management work approval under section 90 or an activity approval under section 91 of the *Water Management Act 2000*.

This Environmental Assessment has been produced in accordance with statutory requirements of the EP&A Act including addressing the Director-General's requirements in relation to assessment of the potential impacts arising from the proposed development. Review of the Project Application lodged under Part 3A of the EP&A Act involves a process whereby the Department of Planning will:

- refer the Project Application to relevant agencies
- make the Environmental Assessment publicly available and advertise and notify the community of the exhibition period and opportunity to make submissions on the project
- give consideration to agency and public responses in the review of the proposal and formulation of its recommendations to the Minister for determination of the Project Application and where relevant, conditions of approval

The objectives of the EP&A Act have been considered and are outlined below:

<i>EP&amp;A Act Objective</i>	<i>Relevance of project to objectives of the Act</i>
<b>(a) to encourage</b>	
(i) <i>the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,</i>	Comprehensive assessments of relevant issues have been undertaken and the design of the project has taken account of the technical and environmental issues and where practical, measures have been proposed to mitigate the potential environmental and amenity impacts. The development will not have a detrimental impact on the farm land upon which it is built, and contributes to a better environment by generating large quantities of pollution-free and sustainably produced electricity.
(ii) <i>the promotion and co-ordination of the orderly and economic use and development of land,</i>	Development of the wind farm will not significantly affect the use of the land for grazing within and around the proposed development. The operation of the wind farm is expected to result in significant economic benefits for property owners and the local community through the direct and indirect employment opportunities (Chapter 7).
(iii) <i>the protection, provision and co-ordination of communication and utility services,</i>	The impact of the development on communication services was assessed and there are sufficient setbacks from the telecommunication link paths to eliminate the potential for any interference (See Chapter 14). The proposed development promotes utility services by generating electricity in the district reducing the need to import electricity from far away coal fired generators.
(iv) <i>the provision of land for public purposes,</i>	The development is located entirely on private land and as such will not impact on the usability of public land.
(v) <i>the provision and co-ordination of community services and facilities, and</i>	Where required, upgrades to the local road network will be undertaken in consultation with relevant authorities.
(vi) <i>the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and</i>	Assessment of the development included extensive studies into potential impacts on native flora and fauna which demonstrated that the proposed development will not have an ecologically significant impact. Where appropriate mitigation measures are practical, they will be implemented to ensure impacts to the local native flora and fauna, ecological communities and habitat are minimised (Chapter 10). By generating electricity with no greenhouse gas emissions, the project serves to protect the environment, as a whole, from global warming.



<b>EP&amp;A Act Objective</b>	<b>Relevance of project to objectives of the Act</b>
<i>(vii) ecologically sustainable development, and</i>	Wind farms are one of the most obvious examples of ecologically sustainable development as they generate large quantities of electricity from a completely sustainable and renewable resource, the wind.
<i>(viii) the provision and maintenance of affordable housing, and</i>	Not applicable to this development
<i>(b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and</i>	The development is being assessed under Part 3A of the NSW EP&A Act. The Department of Planning is the current approval authority. Local councils in the area, as well as relevant state and federal agencies and departments, have been consulted as part of the assessment process for this proposal.
<i>(c) to provide increased opportunity for public involvement and participation in environmental planning and assessment</i>	As part of the assessment process significant efforts have been made to involve the community including many one-on-one meetings with nearby neighbours and Community Information days in November 2010 as discussed in Chapter 6. Significant changes to the project layout have been made based on the feedback from members of the community. The Environmental Assessment will also be made available for public comment pursuant to Section 75H of the EP&A Act.

Wind farms do not constitute 'Scheduled Premises' as defined in Schedule 1 of the Protection of the Environment Operations (POEO) Act. Accordingly the wind farm will not require an Environment Protection Licence but is required to comply with the Project Approval Conditions and relevant requirements of the Protection of the Environment Operations (POEO) Act. The Appropriate Regulatory Authority in respect of the Project Approval will be the Department of Planning, while for environment protection issues subject to provisions of the POEO Act, Blayney Shire Council is the Appropriate Regulatory Authority.

### 5.3 Applicable Local Government Instruments

The proposed wind farm and grid connection infrastructure are located wholly within the Blayney Shire LGA (See Figure 5.1). The aims and objectives of the Blayney LEP are set out in Clause 2 of the LEP and are stated as aiming:

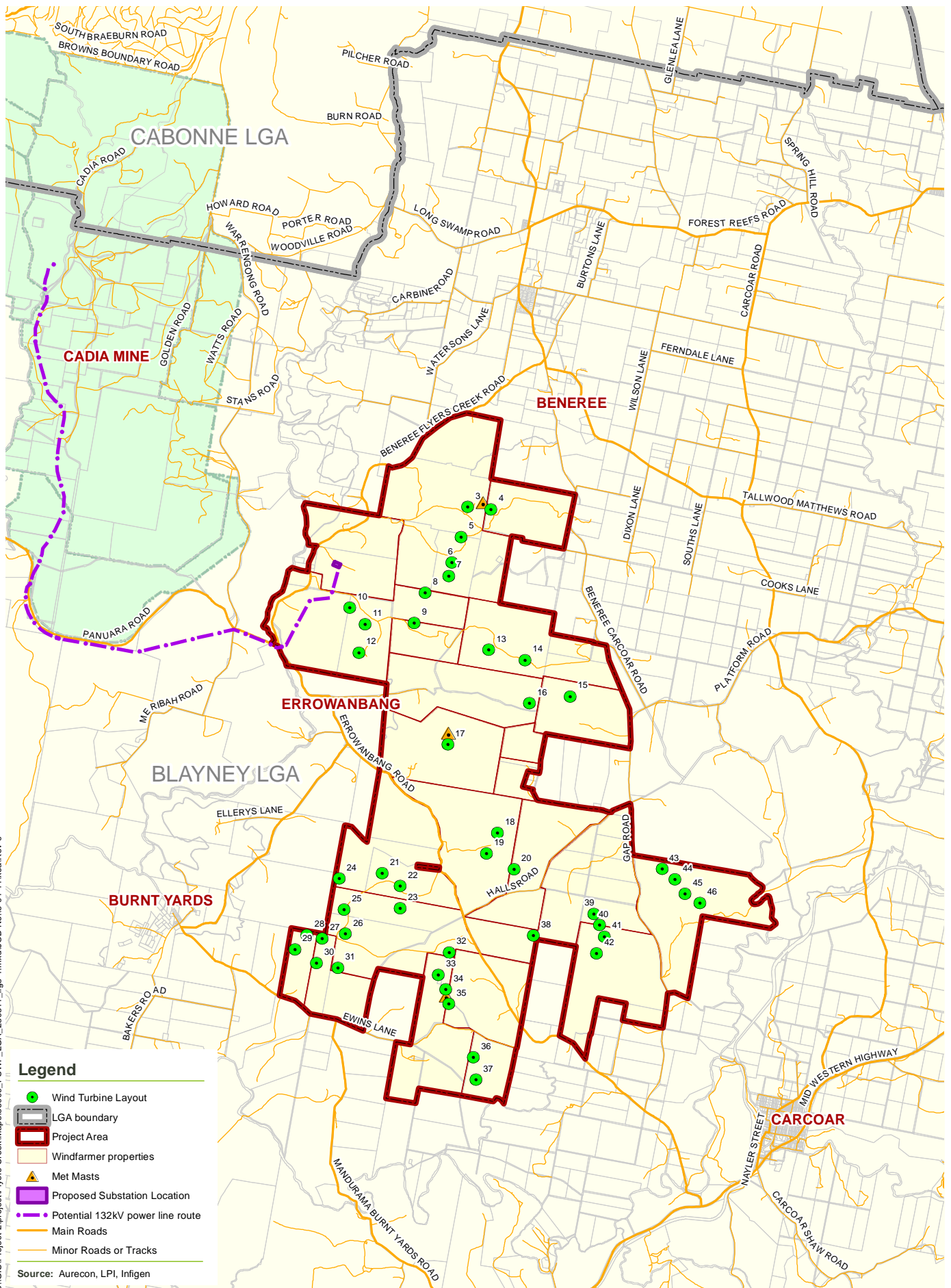
*"to encourage the proper management, development and conservation of natural and other resources within the area of Blayney"*

The proposal seeks to harness the natural resources of wind energy within the project area to generate electricity for supply to the national electricity grid.

Planning objectives have also been prescribed for the respective planning zones defined by the LEP (Section 5.2.3).

The land on which the proposed wind farm and substation will be located is zoned 1(a) (General Rural) under the Blayney LEP, 1998. In accordance with the development control table in the Blayney LEP the proposed project constitutes development that may only be carried out with the consent of the Council. The provisions of Part 3A of the EP&A Act raise the approval authority determination level to the Minister for Planning but reference is nevertheless made in this Environmental Assessment to the Blayney LEP in terms of its planning provisions that may be considered by the Minister.

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1:100,000  
0 1 2 kilometres

Projection: GDA 1994 MGA Zone 55

Flyers Creek Wind Farm **Environmental Assessment**

**FIGURE 5.1:** Local Government Area boundaries

### 5.3.1 Objectives of zone 1(a) (Rural) in the Blayney LEP

The objectives applicable to Zone 1(a) (General Rural) of the Blayney LEP (from the zoning Table in the Blayney LEP) are set out in Table 5.1 together with an assessment of the relevance of the development to each of the Zone 1(a) (General Rural) objectives. While the objectives have been framed broadly and were not necessarily formulated with wind farm projects in mind, the development is considered as not being inconsistent with the zone objectives.

The wind farm development does not prevent the land from continuing to be used for pastoral purposes. Furthermore, it can assist the maintenance of the rural properties in their current form by providing additional income to the landowners, thereby reducing the likelihood that they would need to consider subdivision of their land or other alternative measures to gain additional revenue from the land.

**Table 5.1 – Relevance of the development to Blayney Zone 1(a) (Rural) objectives**

Blayney LEP 1998 Zone 1(a) General Rural objectives	Relevance of development to the Zone 1(a) (General Rural) objective
(a) <i>protecting, enhancing and conserving:</i>  (i) <i>agricultural land in a manner which sustains its efficient and effective agricultural production potential,</i>	Despite the relatively large project area within which turbines will be located, the actual turbines, footings and access tracks comprise only a very small footprint of less than 1% of the project land area. The existing sheep and cattle grazing activities can continue on the remaining 99% of the land unaffected by the operation of the wind farm.  The landowners will benefit from income received from leases for the wind farm and improved access infrastructure. Pastoral activities on neighbouring lands will be unaffected.
(ii) <i>soil stability by controlling and locating development in accordance with soil capability</i>	The areas of soil disturbance will be limited to access track works, turbine hardstands, substation and meteorological mast footings and trenching for underground cables. While the properties do not exhibit severe erosion, measures to protect topsoil will be incorporated in construction protocols (See Chapters 3, 7 & 19). A Soil and Water Management Plan will be developed for the construction works.
(iii) <i>forests of existing and potential commercial value for timber production</i>	No commercial forests will be impacted by the construction of the wind farm. The Canobolas State Forest to the north west of the project area will not be affected by the wind farm or the transmission line works. The development will involve minimal clearing of scattered remnant trees for access tracks and foundations of installations. Such trees are not used for timber production.
(iv) <i>valuable deposits of minerals, coal, petroleum and extractive materials by controlling the location of development in order to ensure the efficient extraction of those deposits,</i>	The Blayney area is rich in minerals, particularly copper and gold. The Cadia Mine extracts large quantities of copper and gold ore which is extracted and pumped as a slurry to the town of Blayney for processing. Extensive exploration drilling has occurred throughout the area, particularly in the northern half of the proposed Flyers Creek Wind Farm site. Significant consultation with owners of the two exploration licenses covering the project site has been undertaken, and it is generally agreed that the proposed wind farm will not significantly hinder continued exploration in the area.
(v) <i>trees and other vegetation in environmentally sensitive areas where the conservation of the vegetation is significant to scenic amenity or natural wildlife habitat or is likely to control land degradation,</i>	An assessment of conservation values of the site has been prepared and measures will be incorporated to mitigate any impacts of the construction works. Appropriate measures will be taken to ensure that minimal clearing is undertaken and to prevent soil erosion and land degradation through the preparation and implementation of a Soil and Water Management Plan (SWMP) which will form part of the Construction Environmental Management Plan (CEMP). The limited extent of clearing and its location will be such that it will have minimal impact on the scenic amenity. The nearest State Forests in the area are Canobolas and Mount Macquarie State Forests.



Blayney LEP 1998 Zone 1(a) General Rural objectives	Relevance of development to the Zone 1(a) (General Rural) objective
(vi) <i>water resources for use in the public interest</i>	The proposed site is entirely located in the Belubula River catchment that is part of Lachlan River Catchment. There are two significant creeks that occur within the project area that drain into the Belubula River: Slatterys Creek and Flyers Creek as well as several smaller creeklines that also drain toward the Belubula River. There is unlikely to be any significant impact on water resources within the catchment as there are no major waterways occurring close to the planned turbine hardstand sites. However, as mentioned above, a SWMP will be developed for the construction works following consultation with the Department of Industry and Investment (Fishing and Aquaculture) and will incorporate controls to prevent sediment discharge to nearby creeks. Compliance may also be periodically monitored by the Department of Planning or Blayney Shire Council. The operating wind farm will only have a small annual water requirement. A small short term requirement for water is expected during construction.
(vii) <i>areas of significance for nature conservation, including areas with rare plants, wetlands and significant habitat,</i>	A detailed assessment of the site's flora and fauna has been undertaken and constraints identified. No permanent watercourses will be affected by the development and no wetlands are present at or adjacent to the site. Measures to mitigate the project's impacts on flora and fauna are listed in Chapter 10 and the project's Statement of Commitments.
(viii) <i>places and buildings of archaeological or heritage significance, including Aboriginal relics and places</i>	No buildings with heritage significance will be affected. There are former mine workings and structures that can be avoided by the project. An assessment of Aboriginal archaeological and cultural heritage values was undertaken (Chapter 11). Measures to avoid or mitigate impacts on heritage aspects are included in Chapters 11 and the project's Statement of Commitments.
(b) <i>preventing, except in close proximity to village or urban areas, the development of prime crop and pasture land for purposes other than agriculture or horticulture, except where these will not be in substantial conflict with agriculture or horticulture or are otherwise justifiable</i>	The existing grazing activities can continue and the landowners will benefit through income from leases for the wind farm and improved access infrastructure. The additional, guaranteed, income to the landowners effectively "drought-proofs" the farms.  Pastoral activities will be unaffected on neighbouring lands.
(c) <i>facilitating farm adjustments</i>	Farm adjustment refers to the process of subdivision resulting in a re-distribution of allotments so as to facilitate agricultural production without the creation of either additional allotments or additional dwellings. The project will not adversely affect the continued use of the land or farm adjustments for its existing use of grazing.
(d) <i>minimising the cost to the community of:</i>  (i) <i>fragmented and isolated development of rural land for living purposes</i>	No subdivision of land is expected to be required for the wind farm project. The project will not adversely affect the continued use of the land for its existing use of grazing. The income stream from the wind farm leases is likely to reduce the incentive for subdivision of the wind farm site by landowners. Depending on final arrangements for grid connection with the network service provider, it is possible that the land for the 132kV switchyard/substation within the wind farm project area may need to be subdivided from its current parcel of land.



<b>Blayney LEP 1998 Zone 1(a) General Rural objectives</b>	<b>Relevance of development to the Zone 1(a) (General Rural) objective</b>
(ii) <i>providing, extending and maintaining public amenities and services, in particular, roads</i>	The development represents a significant development project that will support the State's infrastructure and provide benefits to the local community. The proponent will consult with Blayney Shire Council and irrespective of any potential impacts on roads, there may be some scope for the proponent to support improvements to some segments of local roads.
(e) <i>providing land for future urban development, for future rural residential development, for hobby farm development, for new agricultural enterprises and for development for other non-agricultural purposes, in accordance with the need for that development to sustain the economic and social viability of the area of Blayney.</i>	<p>The development is a non-agricultural purpose that fulfils a need to supply more electricity from renewable energy sources as a means to reduce the carbon intensity of electricity generation. It is compatible with the existing rural land use and provides additional income to the owners of the properties affected by the development.</p> <p>Parts of the wind farm site may have reduced potential for urban development due to proximity to turbines. Rural residential development potential of neighbouring lands will be unaffected except if residences are proposed in the future at locations very close to turbine sites.</p>

### 5.3.2 Particular provisions and controls of the Blayney LEP

This section addresses the particular provisions and controls that are contained in the Blayney LEP and which may be considered by the Minister in the determination of a planning application. Relevant clauses containing particular provisions and controls have been listed in Table 5.2.

**Table 5.2 – Blayney LEP clauses involving special provisions and controls**

<b>LEP Clause</b>	<b>Category of provisions</b>	<b>Relevance</b>
10	Present and potential land use	See discussion below.
11 to 16	Subdivision	The project does not require any subdivision of land with the possible exception of the substation site depending on final arrangements with regards to the grid connection.
17 to 19	Erection of dwellings	Not applicable - The project does not require the erection of any dwellings and therefore the Blayney LEP clauses which refer to dwellings and residential development are not relevant.
20	Development which must be advertised	Advertising of the Project Application is required and will be arranged by Department of Planning.
21	Roads and access provisions	See discussion below – addressed in Chapter 13.
& 31	Construction of roads	See discussion below.
22	Environmentally sensitive land	See discussion below, Chapters 7, 10 and 11.
23	Flood Liable Land	Not applicable – See discussion below.
24	Bushfire Hazard	See discussion below – mitigation measures described in Chapter 16.
25 to 30	Heritage	See below and addressed in Chapter 11.
32	Advertising structures	The wind farm development will not involve any advertising on site other than necessary signage indicating the presence of the wind farm and associated information (Clause 20).

LEP Clause	Category of provisions	Relevance
11, 12, 18, 20, 21 22, 44 to 46	Other non-relevant provisions	Not applicable

Relevant aspects of the above items are described further in the following sections.

#### **Clause 10 – Present and potential land use**

This clause addresses present and potential land use, native vegetation conservation, timber production, water resources, mineral deposits and other valuable extractive materials, heritage significance, provision of services, future expansion of settlements and adjacent land usage.

This clause states that council must make an assessment of the impact of carrying out that development on the present and future land usage including impact on the land usage of adjacent properties. These must include an assessment of impacts on native resources such as native vegetation and water resources as well as extractive resources such as mineral deposits and timber production. The Clause also references the Water Management Act 2000, Native Vegetation Conservation Act 1997 and the Catchment Management Act 1989 (See Section 5.5).

The assessment of matters relevant to these potential impacts is provided in Chapters 3 to 14 and the Statement of Commitments (Chapter 19) outlines the measures to be adopted to manage the potential impacts arising from the development. This information provides a basis for the Approval Authority to form an opinion about the nature of the proposed development and the effect of FCWF and the proponent's stated commitments to ensure mitigation of impacts in these areas.


#### **Clause 21 - Roads and access provisions**

This clause refers to access requirements and the restrictions on development fronting or requiring access from arterial roads. It states access to the site must be via a non-arterial road, where practicable. The safety and efficiency of the arterial road must not be adversely affected by the design of the access to the proposed development, emissions of smoke or dust and the nature, volume and frequency of the vehicles gaining access.

FCWF Pty Ltd has discussed traffic and access issues with Blayney Shire Council and will work with Council and RTA as required to achieve safe and responsible use of local roads. A Traffic Management Plan (TMP) will be prepared by the project contractor prior to the commencement of construction works and will form part of the Construction Environmental Management Plan (CEMP). It is expected that the Approval Conditions will require that the CEMP is submitted to the Department of Planning for approval and that construction works not commence until that occurs.

Access to the site by long and/or heavy loads for delivery of turbine components represents a traffic management issue for the proponent. Access to the project site has been assessed for the following roads:

- Errowanbang Road exits the Mid Western Highway two kilometres south of Carcoar and provides the shortest access route that with appropriate controls will provide a safe and practical route for large transport vehicles to access the site during the construction phase
- An alternative site access route for Restricted Access Vehicles (RAVs) is via Mandurama Burnt Yards Road exiting from the Mid Western Highway at Mandurama. Transport via this section of road is feasible, but is winding and narrow for use by the oversized and overmass vehicles required during the construction stage. It is also a significantly longer route to turbine sites than the Errowanbang/Gap Road Route.
- There are several other roads suitable for light vehicle access to the site including Beneree-Errowanbang Road, Browns Creek Road and access via Forest Reefs. The suitability of the use of these roads regarding potential impacts on local traffic can be discussed further through



consultation between the contractor and Blayney Shire Council to determine the most practical, safe and least impact access options for light vehicles entering the site.

An assessment of options for site access is provided in Chapter 13.

### **Clause 31 – Construction of roads**

This clause addresses the construction of roads and states that a person “*shall not construct a road, which has access to a public road except with the consent of the Council.*”

Internal site access roads will be created to allow access to the turbine sites and substation that will intersect public roads. The location of all access tracks will form part of the Traffic Management Plan which will be created by the proponent and contractor in consultation with Blayney Shire Council. All entry points will be designed for safety, practicality and with suitable drainage.

### **Clause 22 – Environmentally sensitive land**

This clause addresses the permissible development options in areas that have been classified as environmentally sensitive. The clause states that development may not be carried out on environmentally sensitive land for the purposes of: intensive livestock keeping, junk yards, liquid fuel depots, offensive or hazardous industries, sawmills, or stock and sales yards.

The clause also states that a development may not cause the destruction of trees on more than one hectare of environmentally sensitive land forming the whole or part of an existing holding or more than 5% of the area of an existing holding where that 5% comprises environmentally sensitive land.

The Belubula River, Browns Creek and Flyers Creek are all listed in Schedule 1 of the Blayney LEP as being environmentally sensitive areas and are in the vicinity of the project area. However, the Flyers Creek Wind Farm development will not involve any activities specified in Clause 22 as being unsuitable for areas classified as environmentally sensitive and all works will be distant to these waterways and will not adversely affect them.

Where storage is required for any liquid fuel during the construction phase of the development, adequate bunding will be put in place in line with the statement of commitments and as specified in the Construction Environmental Management Plan (CEMP).


### **Clause 23 – Flood liable land provisions**

This Clause states that consent shall not be granted to develop for any purpose other than agricultural purposes on flood liable land without Council consent. Additionally, the clause states that consent must not be granted to develop on flood liable land where a development is likely to cause on that or adjacent land: an impediment to flow of flood waters; an impediment to safety of persons in the event of a flood; to aggravate the consequences of flood water flowing in regard to erosion, siltation or the destruction of vegetation; or to have an effect on the water table.

The bulk of the wind farm project is located on elevated ridge lines that are well drained and not subject to flooding. Some parts of the access roads may cross lower lying land where temporary flood hazard may occur during heavy rainfall events. Any instances of flood hazard would appear to relate to temporary flows in the generally ephemeral creeks where they intersect the access tracks. All access tracks will be designed to minimise the potential for heavy rainfall events to cause ephemeral creeks to intersect the access track and all creek crossings will be designed to address this potential situation. It is considered that the project will not exacerbate the potential for or extent of flooding on lands surrounding the wind farm and given the elevated nature of the site and the topography of the area will not be exposed to significant flood hazard.

### **Clause 24 – Bushfire hazard provisions**

This Clause states that consent shall not be granted to the erection of a building on land that is subject to bush fire hazards unless: adequate provision is made for access for fire fighting vehicles;



safeguards are adopted in the form of fire breaks, reserves and fire fighting zones; and water supplies are available for fire fighting purposes.

The only permanent buildings included in the project are the buildings at the substation. As these buildings will not be used as dwellings the requirements relating to bushfire hazard are not directly applicable. The substation compound will also be free of vegetation and set back from remnant woodland. Gravel will be placed on the ground below many of the electrical structures.

Regarding access for fire fighting vehicles, all access tracks servicing the turbine locations and substation will be prepared to allow access by oversize and overmass RAVs and post commissioning will be maintained to a standard suitable to allow access of service and maintenance vehicles. As such the access tracks will also be suitable for the passage of fire fighting vehicles.

The Environmental Assessment addresses on site water supplies (Section 7.6.7) and bushfire management issues (Section 16.5).

### **5.3.3 Section 94 Contribution**

Under the EP&A ACT, Section 94 allows planning authorities to levy developers with a monetary contribution at the development application stage to help pay for additional community facilities and/or infrastructure.

The proponent expects that as planning advances and details are confirmed, negotiation will occur with the Department of Planning and/or Council to define any necessary Section 94 contributions in respect of this development.

## **5.4 State Environmental Planning Policies (SEPPs)**

### **5.4.1 SEPP No. 44 – Koala Habitat Protection**

SEPP 44 encourages the conservation and management of koala habitats, to ensure permanent free-living koala populations will be maintained over their present range. The policy applies to 107 local government areas including Blayney Shire. It particularly relates to land that has an area greater than one hectare and contains koala feed tree species listed in Schedule 2 of SEPP 44.

Ecological consultant, Kevin Mills reviewed the vegetation within the project area (Chapter 10 and Appendix F). He has indicated that there is low potential for Koalas to be present but that some tree species that are a food source for koalas are present in the area. Very few trees will be removed during the project construction and the development is extremely unlikely to impact koala populations in any material way.


### **5.4.2 SEPP (Major Projects) 2005**

This SEPP was introduced in 2005 and specifies classes of development representing Part 3A projects. As discussed in Section 4.2, Clause 24 of Schedule 1 of the SEPP identifies an electricity generation facility using any wind power as an energy source and has a capital investment value of more than \$30 million, is as a project to which Part 3A applies. Advice from Department of Planning (Appendix A1) confirms that the project has been accepted as a Major Project to which Part 3A of the EP&A Act applies.

### **5.4.3 SEPP (Infrastructure) 2007**

The State Environmental Planning Policy (Infrastructure) 2007 has been developed to improve the efficiency of the planning system in delivering essential public infrastructure and services. The SEPP repealed 20 environmental planning instruments, including SEPP No. 4 – Development without Consent and Miscellaneous Exempt and Complying Development, along with the clauses in the Standard Instrument (LEPs) Order 2006 relating to infrastructure.





The Infrastructure 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.

The Infrastructure SEPP takes precedence over most other environmental planning instruments in the event of inconsistencies, with the exceptions of SEPP (Major projects) 2005, SEPP 14 (Coastal Wetlands) and SEPP 26 (Littoral Rainforests). The SEPP (Major Projects) 2005 prevails over the Infrastructure SEPP in matters of inconsistency.

Clause 39 (2)(a) of the Infrastructure SEPP outlines the circumstances where wind monitoring masts are exempt development. The final arrangement of wind monitoring masts has yet to be finalised, however it is likely that the three monitoring masts which are already in place, will remain as permanent wind monitoring sites, however final turbine placements may necessitate the relocation of one or more of the wind monitoring masts to nearby locations to prevent interference with turbine construction and operation. Temporary masts may be located at up to four proposed turbine sites for periods of three to six months.

#### **5.4.4 Regional Environmental Plans**

There are no Regional Environmental Plans (REPs) applicable to the area where the proposed Flyers Creek Wind Farm project is located.

### **5.5 Other potentially applicable NSW Environmental Acts**

The following sections outline key requirements of NSW legislation that may have relevance to the Flyers Creek Wind Farm project.

#### **5.5.1 Protection of the Environment Operations Act, 1997**

Schedule 1 of the Protection of the Environment Operations (POEO) Act sets out the activities that constitute “scheduled premises” and which require an Environment Protection Licence issued under the POEO Act 1997. Electricity generating works that produce electricity from wind energy are not classified as ‘scheduled premises’ and do not require an Environment Protection Licence.

The POEO Act also includes provisions in respect of non-scheduled premises and identifies the Appropriate Regulatory Authority (ARA) as Local Council. For matters relating to the Project Approval it is expected that the Department of Planning will regulate these aspects. Other matters not related to the Project Approval may be regulated by Council including aspects such as traffic related matters, erosion and sediment controls and management and containment of fuels and oil on site.

#### **5.5.2 National Parks and Wildlife (NPW) Act, 1974**

The NPW Act includes matters relating to flora and fauna and Aboriginal heritage.

- A flora and fauna assessment was undertaken by Kevin Mills and Associates in 2009 and 2010. The findings of this assessment are provided in Appendix D.
- A separate assessment of bat fauna has been undertaken by Greg Richards and Associates in November 2008 and February 2009. The findings of this assessment are provided in Appendix E.

The Major Projects Application is likely to be referred to DECCW (formerly NPWS) for consideration of the acceptability of the project’s impacts. Flora and fauna issues are addressed in Chapter 10.

In relation to Aboriginal heritage, a comprehensive archaeological assessment was undertaken by Austral Archaeology in conjunction with the Orange Local Aboriginal Land Council and other representative Traditional Owners for the project area. The assessment report is provided in Appendix F and a summary of heritage issues is provided in Chapter 11.

### **5.5.3 Threatened Species Conservation Act, 1995**

The Threatened Species Amendment Act, 2002 sets out matters that must be taken into account when deciding whether a significant effect on threatened species, populations or ecological communities, or their habitats is likely. Assessments to address those matters were undertaken by ecologists (Appendices D and E) and include 'seven part tests' of significance for threatened species. The findings presented in Appendices D and E are summarised in Chapter 10.

An assessment the presence of bat species to confirm the status of specific individual species, including threatened species, is provided in Appendix E.

### **5.5.4 NSW Fisheries Management Act, 1994**

Section 220ZZ of the Fisheries Management Act relates to significant effect on threatened species, populations, or ecological communities or their habitats. The project will include controls to avoid impacts on watercourses within the project locality. The proposed turbine sites are high on ridges and neither the access tracks nor the substation works will disturb areas that are likely to support threatened aquatic species. The need to incorporate sediment controls to prevent sediment entering watercourses has been identified and will be incorporated into the Project Environmental Management Plan (EMP).

### **5.5.5 Native Vegetation Act, 2003**

Native vegetation (trees, shrubs and grasses) are protected through the Native Vegetation Act, 2003 which includes requirements in respect of clearing of native vegetation.

A vegetation survey has been undertaken to identify species potentially affected by site disturbance and the total area of disturbance. The assessment of the area's native vegetation status is provided in Appendix D and key findings are summarised in Chapter 10. There is low proportion of native grasses and most of the cleared land is represented by exotic pastures.

Proposed clearing is mainly associated with turbine foundation works, the substation site, new and upgraded access tracks and trenching for underground cables. Most of the earthworks will be undertaken in areas that have been subject to disturbance, including clearing for grazing, and most of these areas now have a high proportion of exotic grasses. Wherever practicable the scattered woodland remnants will be avoided.


Some areas of native vegetation will need to be impacted to gain access across the site. The general routes of the access tracks have been chosen to minimise the impact on remnant woodland but some locations may require limited pruning or clearing of trees. These locations have been inspected by an ecologist and once the project layout has been confirmed will, if necessary, be revisited to ensure that impacts on areas with identified conservation value are minimised. Barriers will be installed where necessary to avoid movements beyond defined work areas.

As part of the Major Projects Application review process the Department of Planning will review the project assessment, the identified potential impacts on native vegetation and the proposed controls and where necessary apply conditions to ensure appropriate protection.

### **5.5.6 Roads Act, 1993**

The Roads Act, 1993 addresses matters relating to use and classification of roads, declares the Roads and Traffic Authority (RTA) and other public authorities as roads authorities for both classified and unclassified roads, confers certain functions on the RTA and other roads authorities and regulates the carrying out of various activities on public roads.

Connecting a private road to a classified road requires approval. The proposed development may require property access to and from Errowanbang Road, Gap Road, Halls Road, Beneree-Flyers



Creek Road and Beneree-Carcoar Road. However, some upgrading of existing entrance points may be required for which FCWF may require a permit under the Roads Act.

Site access details, particularly in relation to transit through Blayney, Millthorpe or Mandurama and use of local roads has been discussed with Blayney Council and is described in Chapter 13. It is not expected that there will be any required road works to enable access from the Mid Western Highway and involving designs to be developed in consultation with the RTA. The Transport Contractor is expected to draw necessary Permits for all RAV movements to the site. The detail of these matters will need to be confirmed prior to the commencement of construction.

### **5.5.7 Surveying and Spatial Information Act, 2002**

There are two trigonometric (Trig) stations located within the Flyers Creek Wind Farm project area: Hopkins Trig Station and Calvert Trig Station. Locations and specifications of these stations are detailed in Chapter 4 of this Environmental Assessment.

Clause 24 (1) of the Act addresses matters relating to survey marks. It states that “*A person must not remove, damage, destroy, displace, obliterate or deface any survey mark unless authorised to do so by the Surveyor-General*”. The locations of relevant Trig Stations in relation to the Flyers Creek Wind Farm project have been identified and consultation undertaken with the Land and Property Management Authority in regards to the survey reference points. Measures will be incorporated in the project EMP to ensure that survey marks and the associated Trig Stations are not affected.

### **5.5.8 Water Management Act, 2000**

The Principles of this Act include general principles (protection of water sources, ecology, quality, licences, geography, heritage and implementing an adaptive management approach), water sharing, water use, drainage management, floodplain management, controlled activities and aquifer interference.

A Soil and Water Management Plan (SWMP) will be developed for the construction works and will incorporate controls to prevent sediment discharge to creeks. Mitigation measures relating to native vegetation management have been identified in the Statement of Commitments (Chapter 19) and addressed by the project EMP. These issues are also subject to review by Department of Planning under the Part 3A assessment process. Further details of erosion and sediment controls and oil containment are provided in Chapter 7.

#### *Water Management Act (General) Regulation 2004*

The use of the Belubela River has been identified as a possible supply of water; however, it is not likely to be utilised. Therefore, use of water from the Belubela River has not been assessed as part of this Environmental Assessment (Section 7.6.7). A use approval and access license for water to be used for dust suppression from the regulated Belubela River are exempt under Section 38(1a) and Section 18(1d) of the Water Management Act (General) Regulation 2004. If the decision is taken to use this source of water during construction, the proponent would undertake the necessary consultation with the NSW Office of Water to ensure that the water is extracted under license and that the appropriate water accounting can take place.

### **5.5.9 Water Act, 1912**

The area covered by this proposal is not currently subject to a water sharing plan under the Water Act, 1912. However, in those water sources (rivers, lakes and groundwater aquifers) in NSW where water sharing plans have not commenced, the *Water Act 1912* still governs the issue of new water licences and the trade of water licences and allocations.



Under the Water Act a water licence or authority is required for the following activities:

- Taking water from a stream or river via a pump or other work (for all purposes other than for basic landholder rights).
- Capturing surface water from rainfall runoff in a farm dam or from river flow in a dam (any size) located on a river or stream.
- Extract groundwater via any type of bore, well, spearpoint or groundwater interception scheme for all purposes except to take water from an aquifer under a basic landholder right.

It is recognised that a new application to utilise water from a new, or existing groundwater bore, will be subject to the NSW inland Groundwater Shortage Zones Embargo Order (1 & 2) and the NSW Inland Groundwater Trading Policy.

Water supply for the project is addressed in Section 7.6.7. Although a number of options exist, it is most likely that the water required for the construction phase of the project will be provided by the local water supplies, subject to the agreement of Council. Should any of the water sources described above be used, the proponent will obtain the necessary permits and licenses required for the extraction.

#### **5.5.10 Catchment Management Authorities Act, 2003**

The Catchment Management Authorities Act provides the framework for the Catchment Management Authority (CMA) to manage natural resources on a catchment level. The Flyers Creek Wind Farm project is in the Belubula River catchment and lies in a region covered by the Lachlan Catchment Management Authority, which covers an area of approximately 84,700 km<sup>2</sup>.

### **5.6 Federal statutory controls**

Relevant Federal legislation includes the Renewable Energy (Electricity) Act, Environment Protection and Biodiversity Conservation Act, Civil Aviation Safety Regulations and Radio-communications legislation.

#### **5.6.1 Renewable Energy (Electricity) Act, 2000 and associated Regulations, 2001**

The Renewable Energy (Electricity) Act 2000 was set up for the establishment and administration of a scheme:


- to encourage additional electricity generation from renewable energy sources
- to reduce emissions of greenhouse gases in the electricity sector and
- to ensure that renewable energy sources are ecologically sustainable.

In August 2009, the Government implemented the expanded Renewable Energy Target (RET) Scheme, which was designed to deliver on the Government's commitment to ensure that 20% of Australia's electricity supply will come from renewable sources by 2020. The RET expands on the previous Mandatory Renewable Energy Target (MRET) of 9,500 GWh/year, which began in 2001 and provides a new target of to 45,000 GWh/year by 2020.

In June 2010, the RET was further enhanced to provide greater certainty for households, employees and businesses within the renewable energy industry by passage of legislation splitting the RET into two parts:

- **Large-scale Renewable Energy Target (LRET):** covers large-scale renewable energy projects, like wind farms
- **Small-scale Renewable Energy Scheme (SRES):** covers small, residential scale technologies such as solar panels and solar hot water systems





It is expected that the LRET will deliver the vast majority of the 2020 target <sup>1</sup> and is the context in which the current project is proposed. Flyers Creek Wind Farm Pty Ltd will apply to have the Flyers Creek Wind Farm registered as an accredited Renewable Energy Generator.

### **5.6.2 Environmental Protection and Biodiversity Conservation (EPBC) Act, 1999**

The EPBC Act addresses matters of National Environmental Significance (NES). Actions which may affect items of NES Significance must be referred to Commonwealth Department of the Environment, Water, Heritage and Art (DEWHA). Where matters of NES have been identified at commencement of the assessment process then specific assessment requirements to fulfil obligations under the EPBC Act, in accordance with a bilateral agreement between the Commonwealth and State Environment Ministers may be identified.

In January 2007, the Commonwealth and NSW governments signed a Bilateral Agreement which allows the assessment regimes under the EP&A Act (Parts 3A, 4 and 5) to be automatically accredited under the EPBC Act. This means that separate assessment processes are not required. The Bilateral Agreement only covers matters that are determined to be 'controlled actions' by the Commonwealth Government. Guidelines have been prepared to assist councils, government agencies, proponents and the general public to understand the processes involved under the Bilateral Agreement.

DEWHA has issued a Policy Statement “*EPBC Act Policy Statement 2.3 Wind Farm Industry*” with the purpose of assisting operators in the wind farm industry to decide whether or not proposed actions require referral under the EPBC Act.

The proposed development was assessed by:

- The vegetation, flora and fauna assessments were undertaken by Ecological consultant, Kevin Mills and Associates. The report is provided in Appendix D and summarised in Chapter 10.
- An avifauna assessment was undertaken by Greg Richards and Associates Pty Ltd (GRA). The report is provided Appendix E and summarised in Chapter 10.
- Austral Archaeology (2010) assessed the cultural Heritage of the site. The findings of this assessment are provided in Appendix F and summarised in Chapter 11.

These assessments concluded that the construction and operation of the proposed wind farm is unlikely to have significant impact on matters of NES, and therefore a referral to the Commonwealth Minister would not be required. However, the proponent will nevertheless lodge a referral under the EPBC Act later this year.

### **5.6.3 Civil Aviation Safety Regulations, 1998**

The Civil Aviation Safety Regulations Part 139, Subpart 139E Obstacles and Hazards require that CASA be informed of proposals to build a structure greater than 110 metres above ground level. Information, including the preliminary height and location of the proposed structures has been provided to CASA, which has reviewed the information provided to determine whether any of the structures represent a potential obstacle or hazard due to their location, height or lack of marking or lighting. This issue is further described in Chapter 16.


### **5.6.4 Radiocommunications Act, 1992**

Potential for the wind farm to interfere with telecommunications signals has been assessed and documented as part of the Environmental Assessment and findings summarised in Chapter 14.

Positioning of all turbine sites have been made to ensure adequate clearances from microwave link paths passing through the wind farm site.

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<sup>1</sup> <http://www.climatechange.gov.au/~media/Files/minister/wong/2010/media-releases/february/mr20100226.ashx>



The wind farm is located such that it is unlikely to interfere with television reception at residences surrounding the wind farm. Nevertheless, various measures are available to mitigate any impacts on television services should they occur. The actual measures used depend on the nature of the interference and circumstances of the receiver.

## **5.7 Relevant planning and EIA guidelines**

### **5.7.1 National Wind Farm Development Guidelines**

Wind energy has the potential to deliver a significant proportion of Australia's future electricity needs and contribute to national greenhouse gas abatement objectives. In light of the expected increase in wind farm developments in coming years, the Environment Protection and Heritage Council (EPHC) has prepared a set of draft National Wind Farm Development Guidelines which aim to outline best practice for industry and planning authorities in areas including, heritage, threatened species and turbine noise.

EPHC advised in mid 2010 that the draft Guidelines are being released for a period of twelve months to allow further consultation with relevant stakeholders. It is not the intention of these guidelines to be mandatory or change existing jurisdictional statutory processes, but to provide a basis for further consultation and consideration of the role of national guidelines in existing state approval processes.

### **5.7.2 Environmental Impact Assessment Guidelines for Wind Energy Facilities**

The NSW Department of Planning has issued draft Guidelines for Environmental Impact Assessment for Wind Energy Facilities. The draft Guidelines are dated June 2002 and set out considerations for assessment of wind energy facilities. The Guidelines were referenced by the Director-General's requirements for the Environmental Assessment and have been referred to in the preparation of this Environmental Assessment. It is understood that the guidelines are currently under review.

### **5.7.3 EIS Guidelines – Network Electricity Systems and Related Facilities (Draft February 2002)**

The project will be connected to a 132kV overhead transmission line. The connection from the substation to the existing line requires an additional 15 kilometres of 132kV overhead transmission line. Technical design considerations and environmental impact assessment has been undertaken in developing the potential route for the grid connection and the 132kV switching station arrangement.

### **5.7.4 South Australian EPA, Wind Farm – Environmental Noise Guidelines**

The Director-General's requirements (DGRs) for the Environmental Assessment state that it must include a comprehensive assessment of the predicted noise impacts resulting from the construction and operation of the proposal. In relation to the wind turbines, the noise assessment must be undertaken in accordance with The South Australian Environment Protection Authority's Wind Farms – Environmental Noise Guidelines, 2003. These Guidelines have been referred to by Vipac in the conduct of the Noise Impact Assessment (Appendix G). A summary of the assessment is provided in Chapter 12. The SA Noise Guidelines were updated in 2009; however, the proponent has not been directed to follow or to apply the updated guidelines as yet.

### **5.7.5 NSW Industrial Noise Policy**

The DGRs also specify that the noise assessment for the proposal in respect of structures other than the wind turbines is required to be conducted in accordance with the NSW EPA Industrial Noise Policy, January 2000. The substation will include various electrical equipment including two 132 kV/33 kV transformers. Such transformers can be associated with noise emissions and the assessment of such equipment as provided in Appendix H, references the NSW Industrial Noise Policy.

### **5.7.6 Environmental Noise Control Manual (NSW EPA, 2004)**

In regard to noise impacts associated with the construction aspects of this proposal, the Director-General's requirements for the Environment Assessment require the noise assessment to be in accordance with Chapter 171 of the Environmental Noise Control Manual (EPA, 2004).

### **5.7.7 Best Practice Guidelines (Australian Wind Energy Association (Auswind December 2006))**

The Australian Wind Energy Association has developed the 'Best Practice Guidelines' to support the development of wind energy projects that are appropriately sited, sensitively developed and operated from an environmental and community perspective. The Guidelines are not intended to replace existing energy or environmental planning legislation, policy or regulations at local, state or federal government levels. They also acknowledge that each wind energy development will be unique and require assessment on its individual merits.

### **5.7.8 NSW Renewable Energy precincts**

The NSW Government is positioning NSW to take advantage of the predicted increase in investment in renewable energy that will result from the Federal Government's national renewable energy target (RET) that has now been expanded to a target of 20% renewable energy by 2020.

The NSW Government is rolling out a wide suite of reforms to promote renewable energy, ranging from planning and regulatory reforms for cost-effective technologies through to incentives and grants for technologies that are further from commercial viability. Initially it is expected that most of the new renewable energy supply will be met by wind energy developments.

One of the key components of the NSW Government's renewable energy agenda is the establishment of six renewable energy precincts in the New England Tablelands, Upper Hunter, Central Tablelands, NSW/ACT Cross Border Region, Snowy-Monaro and the South Coast. The six precincts are shown in Figure 5.2. Precinct 3 – Central Tablelands includes the local government areas of Bathurst, Blayney, Cabonne, Cowra, Lithgow, Mid-Western Regional, Oberon, Orange and Wellington and is applicable to the Flyers Creek Wind Farm proposal.

The precincts are a community partnership initiative in areas where significant future renewable energy development is expected, especially wind farms and have been formed to give local communities a voice and a stake in renewable energy development. Dedicated renewable energy staff have been put in place to help drive regional initiatives and lead stakeholder engagement to enhance knowledge, understanding and uptake of renewable energy. The renewable energy precinct coordinator for the Central Tablelands is Grant Christopherson, and he is aware of this wind farm proposal. His contact details are as follows: Email - [Grant.Christopherson@environment.nsw.gov.au](mailto:Grant.Christopherson@environment.nsw.gov.au)

A range of initiatives have been implemented to assist the communities understanding of the issues associated with increased renewable energy development. Some of the resources are available at the following website address: <http://www.environment.nsw.gov.au/climatechange/reprecinctresources.htm>.

## **5.8 Approvals for the Flyers Creek Wind Farm project**

FCWF has already obtained the agreement of the respective landowners to undertake the required planning and assessment studies for the proposed wind farm and their consent to lodge the Project Application and seek planning approval for the project.

In addition, a range of consultation has been undertaken with respect to matters requiring concurrence or approval of various stakeholder agencies or organisations. The resolution of many of these aspects can only be finalised once Project Approval has been obtained, a project contractor has been appointed and designs and work methods have been confirmed. Depending on the nature of the issue

there will be requirements to ensure that certain approvals have been obtained by specific project milestones, particularly for commencement of construction and commencement of operation.

The planning approvals listed in Table 5.3 may be required for the development and operation of the project. Additional approvals may also be required as a result of the Project Approval Conditions.

**Table 5.3 – List of approvals for the Flyers Creek Wind Farm project**

Organisation	Approval required
Minister for Planning, Department of Planning	Project Approval under Part 3A of the Environmental Planning and Assessment Act, 1979 as amended.
Department of Planning/Approved Certifier	Construction Certificate and certification of specific aspects of design
Dept. of Environment & Climate Change and Water (DECCW)	Provision of an Environmental Protection Licence under the Protection of the Environment Operations Act, 1997 is not required as the project does not constitute 'Scheduled Premises' as defined in Schedule 1 of the Act
Country Energy	Connection Agreement for connection at 132kV
Department of Planning "Protected Lands"	Department of Planning will assess aspects relating to works within 40 metres of a watercourse that have previously required a Permit under Part 3A of the Rivers and Foreshores Improvement Act, 1948
Department of Planning	Clearing of any native vegetation as part of the Project Approval
Blayney Shire Council	If required, written approval of Council for removal of any trees and any arrangements for use of local roads or use of gravel quarries.
Blayney Shire Council	Agreement for movements of Restricted Access Vehicles (RAVs) on local roads within the Shire transporting large items to the wind farm site.
Blayney Shire Council	Agreement regarding maintenance of any local roads used by construction vehicles.
Roads and Traffic Authority	Approval for movements of RAVs on State Highways
Local Traffic Management Committee	Approval of the Traffic Management Plan, the transport of over-mass and over-size loads to the site. (Local Traffic Management Committee may include RTA, Council and NSW Police)
Department of Lands	Agreement of Department of Lands that the proposed placement of turbines, cables and access tracks in the vicinity of the Calvert and Hopkins Trig Stations will not materially impact surveying operations.  Agreement to traverse small holdings of crown land, primarily road reserves, with cables and/or access tracks



