

PALERANG COUNCIL

#9

Contact Person
File

Louise Munday
WM0011

7 February 2011

Planning NSW
GPO Box 39
SYDNEY NSW 2001

Attention: Dinuka McKenzie

Capital II Wind Farm Proposal (MP10_0135) - Submission

Dear Ms McKenzie

I refer to your notification regarding the exhibition of the subject proposal. The following submission is based on a report that was adopted by Palerang Council at its meeting on 3 February 2011. A full copy of the report is attached for your information.

1. Community benefit

Most of the subject site is within category 3 agricultural land and is considered suitable and reasonably viable for agricultural production. Given that Bungendore is the centre of an agricultural area it is considered there will be social and economic impact, from the loss of agricultural land, on Palerang and Bungendore in particular. Bungendore supports and is supported by a rural community through supply of household and agricultural products. A reduction in agricultural production may affect the viability of the town, and thus may have significant social and economic impacts. Of particular concern is the cumulative impact of large area of the local government area being turned over to power generation, where local benefits are negligible, the impacts may be significant and the benefits of the project are more tangible outside of the local area.

Given that the local community will bear the impacts of a development the benefits of which will be felt elsewhere it is considered that the project should provide a financial contribution towards the upgrade of community facilities such as the Bungendore Pool. The proponents, in an email to the General Manager, have already agreed to a once only contribution of a fixed amount per wind tower installed. Infigen consider this offer "commercial-in-confidence" - the sum is therefore not disclosed here.

Council requests that the requirement for a contribution towards community facilities be imposed as a condition of consent or achieved via a planning agreement. Council's General Manager has been given delegated authority to negotiate an agreed contribution should a planning agreement be deemed appropriate.

2. Traffic and access

The EA indicates that the maximum number of vehicles movements during the construction of the project will be 9000 car trips, 3923 truck trips and 776 RAV (restricted vehicle access) trips if all of the 55 towers are constructed. Some of the haulage routes are within the

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Palerang Council area (Taylors Creek Road and along Western Leg Road for a further 4.1 kms to the project site).

Under a planning agreement for stage 1 construction of the Windfarm, funds were contributed to re-construct and seal the southern section of Taylors Creek Road. These works will be completed prior to commencement of stage II development.

These are the same routes approved for heavy vehicle haulage for stage 1 of the Windfarm and generally their use did not raise any major problems. This success was gained through adoption of the mitigation measures included as Appendix B of Appendix G, Traffic and Transport Assessment, of the EA. It is considered that these same mitigation measures and those list in Section 5 of Appendix G of the EA should be applied to this application and be incorporated in an overall Traffic Management Plan and road users protocol that are approved by Council where they apply to the Palerang LGA.

It is, therefore, considered appropriate to request the applicant undertake some road upgrading works where they are most needed to address the worst impacts from the vehicle movements. Western Leg Road will have the most traffic movements during both the construction and operation stages. This road is largely unsealed and it would be appropriate for some upgrading to be undertaken to address the rising dust impacts caused by the high number of vehicle movements on this relatively narrow road. The drift of dust from the road onto residences adjacent to the road is a concern.

It is requested that the applicant be required to bitumen seal the 400m section between 3.00-3.40 km from Taylors Creek Road where there are 2 houses close to the road. These are shown by blue squares on Fig 26 of the EA. It is further considered that the remaining length of unsealed Western Leg Road should be re-sheeted with high standard gravel that will emit less dust than the current surfacing.

Council requests that conditions of consent be imposed to ensure that Western Leg Road is upgraded to an adequate standard for the traffic associated with the proposal (as per the requested conditions of consent at the end of this letter).

3. Visual amenity and reflectivity

The site will be highly visible from Tarago Road, from some residences in the area and from the Lake George Escarpment. Apart from some screening around smaller buildings on the site it is not considered possible to reduce the visual impact of the WTGs. It is appropriate that some landscape buffers be planted around smaller buildings and other features such as access tracks, to reduce the impact of scarring on the landscape and to contribute to improvement of biodiversity in the area. Council requested a wildlife corridor be planted on the Capital Solar Farm to the south if approved – this could be extended through the subject site. The contribution referred to in point 1 are in part compensation for the visual impact of the WTGS (as identified in the Court Judgement referred to above).

Council requests that conditions of consent be impose to achieve adequate landscape buffers around minor buildings, hardstand areas, access tracks and the like , using locally endemic species, to coincide with erection of the development and contribute to a wildlife corridor (connecting to the Capital Solar Farm to the south of the subject site) or reestablishment of biodiversity/habitat on the site.

4. Noise

The EA states “by demonstrating that the proposed wind turbines will for the most part be located a greater distance away from the nearest residences (relevant receivers), there will be no noticeable increase in the volume of noise generated from the site”.

However, there have been complaints about the noise generated from the existing Capital Wind Farm. Control of noise from that facility is the responsibility of the NSW Department of Planning (DOP). An independent Noise Compliance Assessment Report was undertaken early

in 2010 as part of the original approval and considering the complaints. The DOP is currently reviewing the study. There is no conclusion as yet whether the facility is non-compliant with noise restrictions that were imposed in the consent. It is considered that the noise issues on the existing Capital Wind Farm should be resolved prior to consent for Capital II Wind Farm. Any outcomes or requirements arising from the Noise Compliance Assessment Report should be considered in the assessment and conditions of consent for Capital II Wind Farm.

Council requests that Council that the noise issues on the existing Capital Wind Farm be resolved prior to consent for Capital II Wind Farm. Any outcomes or requirements arising from the Noise Compliance Assessment Report should be considered in the assessment and conditions of consent for Capital II Wind Farm.

It is recommended that conditions of consent be requested to ensure that the appropriate construction hours are adhered to and that there is a process in place to deal with noise complaints (that does not involve Palerang Council).

5. Biodiversity & weed control

Much of the site is identified as having high conservation value (maps recently produced by the NSW Department of Environment, Climate Change and Water for Palerang Council). It is acknowledged that these maps require confirmation of accuracy by field study. Given that the site is largely cleared this high conservation area is likely to be grassland. The EA states that "the proposed works are limited to disturbing only a minor portion of the site" and "that the project is unlikely to impose a significant impact on local populations of threatened species, endangered communities or their habitats".

The site is known to have a noxious weed problem. Spread of weeds is due to poor hygiene of equipment (in and out of the site) or importation/exportation of soils and other materials. Of particular concern is the significant potential to spread declared noxious weeds on site. There is potential to bring current infestations under control through works associated with the project.

The site has potential to extend wildlife corridors by replanting and protection of native species endemic to the area, and this should be included as an offset to potential loss of native flora on the site and other impacts (such as visual impact, erosion control, weed control).

Council requests that conditions of consent be imposed to ensure that the site is managed in order to reduce the spread of weeds and encourage growth of native ground cover.

Conclusion

Council requests that the applicant continue negotiations with Council's General manager over appropriate contributions

Community benefit

Payment of contributions to Palerang Council towards the provision of identified community facilities in Bungendore as negotiated by the General Manager but not to be less than the offer contained in the "commercial-in-confidence" letter from Infigen and provided to Councillors under separate cover.

Noise

Council requests the noise issues on the existing Capital Wind Farm be resolved prior to consent for Capital II Wind Farm. Any outcomes or requirements arising from the Noise Compliance Assessment Report on the existing Capital Wind Farm should be considered in the assessment and conditions of consent for Capital II Wind Farm.

Council requests conditions of consent be imposed in relation to the following;

Road works and road safety

- Preparation by the applicant for approval by Council of Traffic Management Plan(s) and Road Users Protocol for the vehicle movements associated with the development and especially covering the routes, times of travel, community notification arrangements and safety aspects of the transportation of materials and equipment by Restricted Access Vehicles within Palerang Council area.
- Bitumen sealing of Western Leg Road over the 400m section between 3.00-3.40 km from Taylors Creek Road to address rising dust from vehicle movements where there are 2 houses close to the road.
- Re-sheeting of the gravel sections of Western Leg Road to assist in controlling dust and to improve the roads trafficability for the significant volumes of traffic that will be generated by the development

Visual amenity and reflectivity

- Certification that reflectivity/shadow flicker will not cause visual amenity or safety hazard to motorists/aircraft,
- Landscape buffer around minor buildings, hardstand areas, access tracks and the like and incorporating locally endemic species of trees, shrubs and ground cover,
- Use of advanced stock to ensure landscaping is substantial at the works are undertaken on the site,

Noise and construction hours

- Restriction on construction hours to Monday – Friday 7 am to 6 pm, Saturday 8 am to 1 pm, no work on Sundays or public holidays,
- Complaints handling system to be managed by the proponent, to be publicly notified and available at all times.

Biodiversity and weed management

- Biodiversity corridor at least 50 m wide planted with locally endemic species and connecting to a corridor requested on the Capital Solar Farm,
- Establishment of native grass and ground covers on all disturbed areas including road sides, under and around towers, and power line corridors,
- Weed management strategy to control weeds on site and prevent the migration of weeds off-site (ie via vehicles) – to include measures not to further damage biodiversity on site or damage native vegetation,
- Vegetation management strategy to address ongoing impact on biodiversity and restoration of native flora,

Waste Management

- A waste management plan to minimise waste and maximise recycling at the site,
- Construction and industrial waste from the site is not to be taken to any of Palerang Council's landfills,

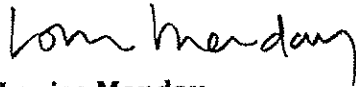
Local approval – on-site sewage management system

Local approval under S68 of the *Local Government Act 1993* must be obtained from Palerang Council prior to the installation of any on-site sewerage management system,

Dust Suppression

Use of dust suppression on roads leading to, adjacent to and within the development site in the event that weather conditions and construction traffic are giving rise to abnormal generation of dust.

Yours faithfully



Louise Menday
Director of Planning and Environmental Services

Item 10.3. Capital Windfarm II

SUBJECT	Exhibition of proposed Capital II Wind Farm –Tarago Road, Lake George		
FILE NO.	WM0011	DIVISION	Planning & Environmental Services

Attachments

1. Location plan
2. Site plan (to be attached separately)

Synopsis

Capital II Wind Farm Pty Ltd (owned by Infigen) has lodged a major project application and environmental assessment (EA) under part 3A of the *Environmental Planning and Assessment Act 1979* for the proposed construction and operation of a new wind farm comprising up to 55 wind turbine generators and generating capacity of 100 megawatts (MW). The location is adjacent to the existing Capital Wind Farm (Lake George). It is proposed to connect into the existing 330 kilovolt grid and substation infrastructure at Capital Wind Farm. The EA was publicly notified from 15 December 2010 to 7 February 2011. This report presents a submission on the project.

Recommendation

Recommended that Council

1. lodge the submission provided within this report, as amended, with the NSW Department of Planning;
2. Authorise the General Manager to negotiate an agreed contribution amount and that the Department of Planning be made aware of Palerang Council's requirements for a contribution towards community facilities.

Report

The project site is located about 10 km north of Bungendore, on 10 privately owned properties, between Tarago Road and Lake George, and has an area of approximately 50 sq km. The land is mostly cleared, with exotic and native grassland for grazing and is zoned General Rural 1(a). Elevation of the land ranges between 670 m and 835 m above sea level. Taylors Creek and Butmaroo Creek cross the site. The site already accommodates the Capital Wind Farm that is located at 1279 Tarago Road. Infigen own and operate the Capital Wind Farm and will own and operate the Capital II Windfarm. An application for the Capital Solar Farm, on land to the south of the site, has been approved by the Department of Planning..

The proposed wind tower generators (WTGs) will be located in the vicinity of the existing wind turbines. The infrastructure elements of the proposal are:

- up to 55 WTGs and kiosk transformers on individual concrete foundations and pads,

- crane hardstand areas adjacent to WTGs and up to 3 metrological monitoring masts,
- 20 km of access tracks,
- trenching for about 20 km of underground cabling,
- up to 10 km of internal overhead transmission line,
- fibre optic cables laid along the alignment of the access tracks,
- operations and maintenance buildings,
- minor upgrade to existing transformer and existing 33k volt switch yard,
- temporary construction facilities such as site compound and equipment lay down area.

The height of the towers is approximately 100 m and with blade extended approximately 157 m.

Construction of the project is proposed to begin mid 2012, and will take 12 - 18 months. Vehicle access will be off Western Leg Road, off Taylors Creek Road (the access to the existing Capital Wind Farm).

The key issues and minor issues related to the project are identified in the EA. Draft commitments are also indentified in the EA – these are measures the proponent suggests will be undertaken to address and ameliorated the impacts of the development.

Local issues

Council staff have identified the issues thought to be relevant to the local community. These are discussed below. Matters that should be covered by conditions of consent are listed at the end of the discussion. Note that not all matters in the list are discussed in detail below.

1. Community benefit

Most of the subject site is within category 3 agricultural land and is considered suitable and reasonably viable for agricultural production. It is proposed that much of the site be covered by the PV array which will remove the land from agricultural production (existing and potential) and possibly sterilise the land for future agricultural use. Given that Bungendore is the centre of an agricultural area it is considered there will be social and economic impact, from the loss of agricultural land, on Palerang and Bungendore in particular. Bungendore supports and is supported by a rural community through supply of household and agricultural products. A reduction in agricultural production may affect the viability of the town, and thus may have significant social and economic impacts. Of particular concern is the cumulative impact of large area of the local government area being turned over to power generation, where local benefits are negligible, the impacts may be significant and the benefits of the project are more tangible outside of the local area.

The Environmental Assessment (EA) states there will be financial benefits for local business through the provision of materials, contractors and provision of goods and services the 10 full time employees. However, the EA does not recognise impacts on the wider community.

Given that the local community will bear the impacts of a development the benefits of which will be felt elsewhere it is considered that the project should provide an annual financial contribution towards the upgrade of community facilities such as the Bungendore Pool. The proponents, in an email to the General Manager, have already agreed to a once only contribution of a fixed amount per wind tower installed. Infigen consider this offer "commercial-in-confidence" and will be provided to Councillors under separate cover.

A recent court decision involving wind towers in the Upper Lachlan local government area, established an alternative method of calculating community benefit contribution, namely \$1666.00 per tower per year, indexed annually from the date of the court decision.

Council may decide to accept the initial offer or it may prefer to seek the alternative contribution. Given the confidential nature of the offer any discussion of the relevant merits of the two methods will need to be held in closed committee.

It is recommended, therefore, that Council's General Manager be delegated authority to negotiate an agreed contribution amount and that the Department of Planning be made aware of Palerang Council's requirements for a contribution towards community facilities.

2. Traffic and access

The EA indicates that the maximum number of vehicles movements during the construction of the project will be 9000 car trips, 3923 truck trips and 776 RAV (restricted vehicle access) trips if all of the 55 towers are constructed. This number while significant is substantially fewer than the traffic movements for the completed stage 1 of the Windfarm.

The haulage route for the heavy vehicles carrying the wind tower components to the site will be from Goulburn along MR79 (Goulburn Rd) to MR 268 (Tarago Road), MR 268 from Tarago to Collector Road, along Collector Road to Taylors Creek Road along Taylors Creek Road to Western Leg Road and along Western Leg Road for a further 4.1 kms to the project site. The return trip for the empty trucks will be along Taylors Creek Road southwards from Western Leg Road to Tarago Road so that trucks predominantly use the local roads in a north to south directions and largely avoid trucks passing each other of these narrow roads. Under a planning agreement for stage 1 construction of the Windfarm, funds were contributed to re-construct and seal the southern section of Taylors Creek Road. These works will be completed prior to commencement of this development.

These are the same routes approved for heavy vehicle haulage for stage 1 of the Windfarm and generally their use did not raise any major problems. This success was gained through adoption of the mitigation measures included as Appendix B of Appendix G, Traffic and Transport Assessment, of the EA. It is considered that these same mitigation measures and those list in Section 5 of Appendix G of the EA should be applied to this application and be incorporated in an overall Traffic Management Plan and road users protocol that are approved by Council where they apply to the Palerang LGA.

Due to the varying vehicle sizes and origins of travel, it is impractical to apply Section 94 levies for the traffic movements associated with the development and it would be more appropriate to require the applicant to undertake some road upgrading works where they are most needed to address the worst impacts from the vehicle movements. Of the roads to be used, Western Leg Road will have the most traffic movements during both the construction and operation stages. This road is largely unsealed and it would be appropriate for some upgrading to be undertaken to address the rising dust impacts caused by the high number of vehicle movements on this relatively narrow road. The drift of dust from the road onto residences adjacent to the road is a concern. It is proposed that the applicant be required to bitumen seal the 400m section between 3.00-3.40 km from Taylors Creek Road where there are 2 houses close to the road. These are shown by blue squares on Fig 26 of the EA. It is further considered that the remaining length of unsealed Western Leg Road should be re-sheeted with a high standard gravel that will emit less dust than the current surfacing.

It is recommended that conditions of consent be requested to cover these road upgrading and road operation issues.

3. Visual amenity and reflectivity

The site will be highly visible from Tarago Road, from some residences in the area and from the Lake George Escarpment. Apart from some screening around smaller buildings on the site it is not considered possible to reduce the visual impact of the WTGs. It is appropriate that some landscape buffers be planted around smaller buildings and other features such as access tracks, to reduce the impact of scarring on the landscape and to contribute to improvement of biodiversity in the area. Council requested a wildlife corridor be planted on the Capital Solar Farm to the south if approved – this could be extended through the subject site. The contribution referred to in point 1 are in part compensation for the visual impact of the WTGS (as identified in the Court Judgement referred to above).

It is recommended that conditions of consent be requested to achieve adequate landscape buffers around minor buildings, hardstand areas, access tracks and the like , using locally endemic species, to coincide with erection of the development and contribute to a wildlife corridor (connecting to the Capital Solar Farm to the south of the subject site) or reestablishment of biodiversity/habitat on the site.

4. Noise

The EA states “by demonstrating that the proposed wind turbines will for the most part be located a greater distance away from the nearest residences (relevant receivers), there will be no noticeable increase in the volume of noise generated from the site”.

However, there have been complaints about the noise generated from the existing Capital Wind Farm. Control of noise from that facility is the responsibility of the NSW Department of Planning (DOP). An independent Noise Compliance Assessment Report was undertaken early in 2010 as part of the

original approval and considering the complaints. The DOP is currently reviewing the study. There is no conclusion as yet whether the facility is non-compliant with noise restrictions that were imposed in the consent. It is considered that the noise issues on the existing Capital Wind Farm should be resolved prior to consent for Capital II Wind Farm. Any outcomes or requirements arising from the Noise Compliance Assessment Report should be considered in the assessment and conditions of consent for Capital II Wind Farm.

It is recommended that Council make this request in its submission.

It is recommended that conditions of consent be requested to ensure that the appropriate construction hours are adhered to and that there is a process in place to deal with noise complaints (that does not involve Palerang Council).

5. Biodiversity & weed control

Much of the site is identified as having high conservation value (maps recently produced by the NSW Department of Environment, Climate Change and Water for Palerang Council). It is acknowledged that these maps require confirmation of accuracy by field study. Given that the site is largely cleared this high conservation area is likely to be grassland. The EA states that "the proposed works are limited to disturbing only a minor portion of the site" and "that the project is unlikely to impose a significant impact on local populations of threatened species, endangered communities or their habitats".

The site is known to have a noxious weed problem. Spread of weeds is due to poor hygiene of equipment (in and out of the site) or importation/exportation of soils and other materials. Of particular concern is the significant potential to spread declared noxious weeds on site. There is potential to bring current infestations under control through works associated with the project.

It is recommended that conditions of consent be requested to ensure that existing weeds on the site be brought under control and that appropriate measures are put in place to maintain native ground cover and manage the spread of weeds.

The site has potential to extend wildlife corridors by replanting and protection of native species endemic to the area, and this should be included as an offset to potential loss of native flora on the site and other impacts (such as visual impact, erosion control, weed control).

It is recommended that conditions of consent be requested to ensure that the site is managed in order to reduce the spread of weeds and encourage growth of native ground cover.

Conclusion

It is recommended that Council request that the applicant continue negotiations with Council over an appropriate contributions as follows and that the General Manager be given delegation to finalise these negotiations.

Community benefit

Payment of contributions to Palerang Council towards the provision of identified community facilities in Bungendore as negotiated by the General Manager but

not to be less than the offer contained in the “commercial-in-confidence” letter from Infigen and provided to Councillors under separate cover.

Noise

It is recommended that Council request the noise issues on the existing Capital Wind Farm be resolved prior to consent for Capital II Wind Farm. Any outcomes or requirements arising from the Noise Compliance Assessment Report on the existing Capital Wind Farm should be considered in the assessment and conditions of consent for Capital II Wind Farm.

It is recommended that Council request conditions of consent be imposed in relation to the following;

Road works and road safety

- Preparation by the applicant for approval by Council of Traffic Management Plan(s) and Road Users Protocol for the vehicle movements associated with the development and especially covering the routes, times of travel, community notification arrangements and safety aspects of the transportation of materials and equipment by Restricted Access Vehicles within Palerang Council area.
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- Re-sheeting of the gravel sections of Western Leg Road to assist in controlling dust and to improve the roads trafficability for the significant volumes of traffic that will be generated by the development

Visual amenity and reflectivity

- Certification that reflectivity/shadow flicker will not cause visual amenity or safety hazard to motorists/aircraft,
- Landscape buffer around minor buildings, hardstand areas, access tracks and the like and incorporating locally endemic species of trees, shrubs and ground cover,
- Use of advanced stock to ensure landscaping is substantial at the works are undertaken on the site,

Noise and construction hours

- Restriction on construction hours to Monday – Friday 7 am to 6 pm, Saturday 8 am to 1 pm, no work on Sundays or public holidays,
- Complaints handling system to be managed by the proponent, to be publicly notified and available at all times.

Biodiversity and weed management

- Biodiversity corridor at least 50 m wide planted with locally endemic species and connecting to a corridor requested on the Capital Solar Farm,

- Establishment of native grass and ground covers on all disturbed areas including road sides, under and around towers, and power line corridors,
- Weed management strategy to control weeds on site and prevent the migration of weeds off-site (ie via vehicles) – to include measures not to further damage biodiversity on site or damage native vegetation,
- Vegetation management strategy to address ongoing impact on biodiversity and restoration of native flora,

Waste Management

- A waste management plan to minimise waste and maximise recycling at the site,
- Construction and industrial waste from the site is not to be taken to any of Palerang Council's landfills,

Local approval – on-site sewage management system

Local approval under S68 of the *Local Government Act 1993* must be obtained from Palerang Council prior to the installation of any on-site sewerage management system,

Dust Suppression

Use of dust suppression on roads leading to, adjacent to and within the development site in the event that weather conditions and construction traffic are giving rise to abnormal generation of dust.

Conclusion

Financial considerations

See community benefit and roads discussion above.

Policy implications

NIL

Social implications

NIL

Environmental considerations

NIL

Location plan