

13 February 2015

**The Chair
Planning Assessment Commission
GPO Box 3415,
Sydney NSW 2001**

Dear Commissioners,

INITIAL RESPONSE: YASS VALLEY WIND FARM (SSD08_0246)

Epuron is the proponent of the proposed Yass Valley Wind Farm (SSD08_0246) (**Project**) which has recently been referred to PAC for determination.

We appreciate the opportunity you have provided us to give this initial input to the determination process for this Project.

Epuron is a highly experienced NSW based renewable energy project developer. Our developments include:

- Cullerin Range Wind Farm (30 turbines near Goulburn, NSW – approved and operating)
- Conroy's Gap Wind Farm (30 turbines west of Yass NSW – approved)
- Silvertown Wind Farm (598 turbines near Broken Hill in western NSW - approved)
- Gullen Range Wind Farm (73 turbines near Crookwell, NSW – approved and operating)
- White Rock Wind Farm (119 wind turbines near Glen Innes, NSW – approved)
- Rye Park Wind Farm (116 turbines north east of Yass, NSW - under development)
- Liverpool Range Wind Farm (288 turbines near Coolah, NSW – under development)

Epuron is the most experienced wind farm developer in NSW. Epuron prides itself in its development work, and in working cooperatively with the Department of Planning and Environment (**Department**) to pro-actively address the planning issues that arise throughout the assessment of its projects.

With the greatest respect to the Department, Epuron is surprised and disappointed that the Department has recommended refusal of the Yass Valley Wind Farm. Epuron considers that each of the issues identified by the Department and raised during the submissions process can be appropriately managed and/or mitigated, consistent with the approach taken on other wind farm projects. Accordingly, Epuron submits that the Project should be approved subject to appropriate conditions.

The Yass Valley Wind Farm offers significant benefits to NSW. In addition to the provision of renewable energy and reduction in greenhouse gas emissions, this Project will provide very significant regional investment, local and regional jobs in construction and operation, and ongoing economic benefits through landowner payments and the economic activity of employees and contractors. This is supported by the proposed establishment of a community fund of \$2,500 p.a. per wind turbine, contributing up to \$330,000 p.a. to the local community.

The project is notable for the very small number of objectors it has attracted. In particular:

- only 8 objections from members of the public were received during the exhibition of the Preferred Project Report; and
- no government agency objects to the Project.

This is primarily due to the appropriate siting of the wind farm. We have worked since the exhibition of the Preferred Project Report closed in March 2013 to amend and improve the project design to minimise impacts to neighbouring landowners and to address agency concerns.

While the broader region has a number of wind farm developments and inevitably a number of small, yet well-connected objector groups, we believe that the Project, assessed on its merits, has demonstrated significantly greater potential environmental, social and economic benefits than the relatively minor potential adverse impacts. We look forward to an impartial consideration of the net community benefit of this project by the Planning and Assessment Commission (PAC).

1. Outline Response to Assessment Report

Epuron would like to take this opportunity to provide a high level outline of our proposed response to the Secretary's Environmental Assessment Report ("**Assessment Report**") as prepared by the Department, including the recommendation that the Project be refused (**Outline Response**).

In order to fully address the reasons contained in the Assessment Report, Epuron respectfully asks the PAC that it accord Epuron procedural fairness by:

- granting Epuron sufficient time to address the technical aspects of each of the issues raised in the Assessment Report; and
- considering this further information,

prior to any determination being made by the PAC in relation to the Project.

In particular, Epuron will shortly provide the PAC with:

- a detailed submission which will supplement this Outline Response and address the technical aspects of each of the issues raised in the Assessment Report (**Detailed Submission**); and
- further independent assessments as necessary to address the new issues raised in the Assessment Report.

In the meantime, this Outline Response confirms that Epuron considers that the findings made by the Department in the Assessment Report are flawed and that the merits of the Project support its approval subject to appropriate conditions.

In particular, Epuron notes that the Assessment Report:

- appears to contain errors of fact and omit relevant information;
- fails to properly consider certain key additional documents and information provided by the proponent (at the Department's request) which address a number of the issues subsequently raised in the Assessment Report;
- raises issues which are new, having not previously been raised with the proponent or included in the DGRs (contrary to procedural fairness);
- fails to properly consider how the issues raised could be dealt with via appropriate consent conditions, including via conditions approving the Project subject to modifications under section 89E(1)(a) of the *Environmental Planning and Assessment Act 1979 (NSW)* (**EP&A Act**);
- demonstrates an inconsistent approach to that taken by the Department in assessing other projects;
- fails to consider the Department's own *Standard and Model Conditions – Wind Farms* ("**Model Conditions**") which deal with many of the issues identified in a consistent and transparent manner;
- wrongly suggests that the proponent is responsible for all of the delays which have occurred in the assessment process and that these delays are relevant to an assessment of the merits of the Project; and
- recommends that the Project be refused. This would create uncertainty for the local community, prevent or defer of local jobs, prevent or defer investment and other economic activity, none of which is good for the State or the local community.

Contrary to the Assessment Report, Epuron considers that:

- the Project is clearly defined with all necessary infrastructure clearly located on the relevant maps;
- the planning issues related to the Project have been fully assessed:
 - o at a level appropriate to its stage of development; and
 - o consistently with level of assessment undertaken in other comparable projects;
- there are no outstanding merits issues relating to the Project that cannot be managed in the normal way via appropriate consent conditions (including, if the Planning and Assessment Commission considers it necessary, by imposing conditions which modifications of the proposed development);
- the grant of planning approval for the Project subject to such conditions would be entirely consistent with:
 - o the approach taken by the Department and the Planning and Assessment Commission to date in relation to wind farm projects; and
 - o the Department's Model Conditions;
- the minimal number of local objectors to the Project demonstrates the suitability of the site for the Project and the work undertaken by Epuron to modify the Project to address community concerns;
- the fact that *"no government agency has objected to the proposal"* (as recognised in the Assessment Report), demonstrates the work which Epuron has undertaken to meet the requirements of each of the agencies; and
- the overall merits of the Project are clearly such that it should be approved.

Epuron asks that the PAC approves the project with appropriate consent conditions.

2. Background

Epuron acknowledges that assessment of the Yass Valley Wind Farm has been a lengthy one and has necessitated a number of revisions to the Project description and assessment documentation. However, this is not a valid ground for a refusal.

Epuron further acknowledges that, with the benefit of hindsight, some aspects of this application process could have been better managed and that community and government expectations regarding consultation have increased since the assessment was first prepared. However, this does not diminish the validity of the planning assessment work which has been undertaken in relation to the Project.

Departmental management and communication

A development timetable for this project is attached as Annexure A for your background, and we highlight the following details.

The Assessment Report refers to the *"3 year period following exhibition of the Environmental Assessment"*. This delay resulted from Origin Energy (the proponent from 21 December 2009 until 24 July 2012) putting the project on hold in response to the changing business conditions at the time (the Global Financial Crisis and increased corporate focus on gas development at that time).

However, Epuron subsequently re-acquired the project from Origin Energy on 24 July 2012 and submitted the Preferred Project Report only 4 months later, in November 2012. This report was assessed by the Department for adequacy and subsequently placed on exhibition. Epuron notes that the Department did not raise any concerns over the delay between the public exhibition of the Environmental Assessment and submission of the Preferred Project Report at this time. Accordingly, any suggestion that this initial delay affects the acceptability of the development (and to the point where it justifies a refusal) is not defensible.

Since its commencement, the Project has been subject to significant changes in government policy and direction which could not have been reasonably anticipated by any proponent. This necessitated a number of amendments being made to respond to these changes which have included:

- terminating “Part 3A” under the Act, and transitioning the Project to “Transitional Part 3A” on 1 October 2011;
- the Department releasing the “*Draft NSW Wind Farm Planning Guidelines*” for consultation on 23 December 2011 and, prior to these guidelines being finalised, asking the proponent to respond to particular aspects of them despite Epuron’s understanding they do not apply to this Project as the EA was publicly exhibited before their existence and accordingly in;
- on short notice, bringing forward the submission dates for Epuron to submit the Preferred Project Report to 30 November 2012 (compared with the previous deadline of 1 October 2013) leading to a dramatic shortening of the time available to respond to issues raised (leaving Epuron with 3.5 months rather than >12 months to finish detailed field and assessment work);
- transitioning the Project from “Transitional Part 3A” to State Significant Development under Part 4 on 21 March 2014, and doing so without first advising Epuron; and
- ongoing changes in policy and treatment of issues such as approaches to biodiversity assessment.

While we accept that such changes are inevitable, it seems only fair for the Department to acknowledge that these changes have caused considerable uncertainty, delays and re-work which have added significant time to the assessment process.

Further, it is unclear to Epuron why the Department has expressed strong concern about the number of iterations of documents when each iteration was provided by Epuron in response to a request from the Department.

Finally, some of the delays and iterations have resulted from the difficulties which the Department experienced in responding and collating responses from other agencies (which are key stakeholders in the assessment) in a timely manner.

This ongoing difficulty culminated in a letter sent by the proponent to the Secretary of the Department on **22 October 2014** (Annexure C.2) where we expressed our deep frustration with respect to the Department’s handling of the application, including its failure to even respond to phone calls. While the Department subsequently responded to this letter (**27 November 2014**), communications with us have not materially improved since. By way of example, we have not received a response to our correspondence dated 16 September 2014, 13 November 2014, 14 November 2014 and 27 November 2014:

- providing responses to the Department’s questions;
- requesting confirmation that there were no outstanding issues; and
- seeking an indication as to what additional information (if any) they required to finalise their assessment.

It is extremely concerning to Epuron that the Department appears to have conducted its Assessment Report without having fully considered this information, some 2 months after it was provided.

There are numerous other examples which Epuron could provide such as:

- notwithstanding that the DGRs were originally determined in consultation with OEH, the Department subsequently changed its biodiversity assessment requirements without clearly outlining the new requirements to Epuron;
- that the Department did not provide OEH’s final comments on the Project to Epuron until more than 10 weeks after these were initially provided by OEH; and
- the Department’s apparent refusal to consider AirServices requirement that it will only review one final “Aviation Impact Statement” based on a finalised detailed design of the Project. This final detailed design will only be available post approval as any approval conditions are likely to impose requirements for minor re-locations and as the final layout can only be determined after the final turbine models is known (as different turbines, which have different spacing and construction

requirements, come onto the market continually). AirServices's requirements are accommodated by the Department's Model Conditions which expressly include the following standard condition:

Aviation Obstacles and Hazards

B11. Prior to the commencement of construction, the Applicant shall consult with:

- a) ...*
 - b) AirServices Australia, to determine potential impacts on instrument approach procedures at aerodromes, navigational aids, communications and surveillance facilities; and*
 - c) ...*
- Mitigation measures for each of the potential impacts and hazards identified in a) to c) above, shall be determined in consultation with the respective groups identified in this condition, prior to the commencement of construction.*

The Department has stated that the aims of the Model Conditions include to provide standard definitions and approaches, reduce inconsistency, and simplify compliance requirements for approved development. Epuron considers that applying the Model Conditions would address the concerns identified by the Department in its Assessment Report on this issue.

3. Project Outline and Commitments

Epuron has very clearly defined what the Project entails and has provided a clear Statement of Commitments in relation to the Project. Epuron is not aware of any outstanding request for clarification of the layout from the Department.

Project Description

The Project is defined by the following documents:

- A. **Environmental Assessment**, dated November 2009 and exhibited 19 November 2009 to 14 December 2009) ("EA");
- B. **Preferred Project Report**, dated November 2012 and exhibited 14 December 2012 to 1 March 2013) ("PPR");
- C. **Preferred Project & Submissions Report** (Revision 4) dated September 2014 and sent to the Department 8 September 2014 (which supercedes previous versions of this document) ("PPSR");
- D. Email *FW: Airservices Australia – Statement of Commitments Yass Valley Wind Farm* dated 16 September 2014 which includes a revised commitment (Statement of Commitment 28) in relation to the potential impacts to air traffic control radars (Annexure C.1);
- E. Email *Yass Valley Wind Farm – landowner letter* dated 13 November 2014 and accompanying letter notifying the Department of the removal of infrastructure from Myrana property (Landowner 16) (Annexure C.3);
- F. Submission *Yass Valley Wind Farm – Response to questions raised – Nov 14* and accompanying emails dated 14 November 2014 providing additional information and commitments on land status; aviation; visual impacts; and biodiversity impacts and providing updated map of Aerial Ag strips in the vicinity (Annexure C.4);
- G. Letter *Yass Valley Wind Farm – Infrastructure Amendments* and accompanying email dated 27 November 2014 re removal of 2 turbines and minor relocation of 4 turbines in response to new OEH submission (includes as attachments a revised Proposed Layout map; revised Annexure 16 – Turbine Coordinates to the PPSR; and location of objectors) (Annexure C.5); and
- H. The changes outlined in this letter and specifically in Annexure D.

This includes the development of **124 wind turbines** and associated infrastructure.

Epuron notes that the Assessment Report did not refer to key documents relating to the Project (being those documents listed in items D, E, F or G above) notwithstanding that they were provided in response to the same

issues raised by the Department in the Assessment Report. We are unclear why these responses were not included in the information forwarded to PAC when they were part of the assessment.

Epuron considers that these documents clearly set out the proposed progressive refinements which been made to the Project to accommodate merits issues. However, in the interests of greater clarity, we have attached a consolidated Project infrastructure layout in Annexure E.1, and the final wind turbine coordinates as Annexure B.1 (which replaces *Annexure 16 – Turbine Coordinates* to the PPSR).

Statement of Commitments

We have previously issued a Statement of Commitments in the PPSR and provided further modifications to this Statement by way of documents provided in response to issues raised by the Department (see Annexures C.1, C.3, C.4 and C.5).

Our Statement of Commitments has previously assumed the relevant sections of the *Standard and Model Conditions – Wind Farms* released by the Department would also be applied to the approval and we have indicated as such to the Department. However, to avoid any uncertainty as to this intent, we have modified our Statement of Commitments to include the relevant Model Conditions and therefore have attached a consolidated Statement of Commitments as Annexure F. This consolidated Statement of Commitments includes:

- all Commitments made up until 27 November 2014; and
- the relevant Model Conditions.

If necessary, we will update the Statement of Commitments to address the further assessment work we are undertaking to respond fully to the new issues raised by the Department in the Assessment Report. Any updated Statement of Commitments will be included in the Detailed Submission.

4. Project precincts and constructability

The EA indicated that the Project could be “*constructed in phased or stage approach, with separate precincts or groups of infrastructure considered discrete work packages and commenced at different times*” (EA p71). Similarly, the PPR on page 7 defines four development precincts which indicate how the project could be built in stages, depending on the requirements of the electricity market. For example, the Coppabella precinct may be built first, with the other precincts potentially to follow at a later stage.

The precincts include two broadly different connection options:

- a 330kV connection option to the south, likely to be used if the entire Project is built in one stage; or
- various 132kV connection options, likely to be used if the Project is built over multiple stages.

For the purpose of the assessment, each of these precincts have been assessed as if the entire Project was built. This is the “worst case” assessment basis and ensures any cumulative impacts (i.e. between precincts) are taken into account. Any development which is less than the entire Project will consequently see a reduction in impacts.

On reviewing the Assessment Report, it appears the Department finds some areas of the development more acceptable than others. However, in the Assessment Report the Department has not considered the option of only approving the Project with modifications under section 89E(1)(a) of the EP&A Act. Such an approach was taken in determining a number of other wind farms (e.g. Gullen Range Wind Farm, Flyers Creek Wind Farm, Collector Wind Farm) which were all approved after removal of turbines or infrastructure which the relevant consent authority did not support.

Epuron notes that section 89E(1)(a) of the EP&A Act gives the PAC the discretion to approve the Project subject to conditions which modify the Project so as to remove any elements or precincts which it considers are not supported on their merits. We therefore provide the following additional information to outline each precinct, and to give an understanding of the constructability and viability of each separate precinct.

It should be noted that wind farms are scalable by their very nature. Accordingly, if PAC determines to grant approval subject to conditions removing particular turbines or precincts, this would not, in general, prevent construction of the remainder of the Project.

A detailed map of the precincts is attached in Annexure E.3.

Coppabella precinct

The Coppabella precinct (comprising 79 wind turbines) is entirely stand-alone with respect to the other precincts, and includes its own site access and transmission line connections. No infrastructure from the Conroy's Gap Extension, Marilba or 330kV Connection precincts is required to be able to proceed with the Coppabella precinct. In addition, we note the following:

- The final design and layout of this precinct is well advanced, and (subject to approval) it is the most likely the first stage of the Project which will be built;
- The transmission connection design is well advanced, and TransGrid has already provided an Offer to Connect to the 132kV Yass – Murrumburrah powerline required for this precinct;
- 10 out of 11 precinct landowners have already entered into long term binding land agreements;
- the one landowner who has not currently signed long term binding land agreements is at the eastern edge of the precinct - if appropriate land agreements are not finalised with this landowner prior to construction, the construction and operation of the remainder of the precinct would be unaffected;
- Landowner 8, 9 (Shaw) has been removed from the Project – see Annexure D.1; and
- The precinct has been fully assessed for all planning issues.

This precinct has the fewest number of planning concerns raised by the Department and, notwithstanding the recommendation to refuse the project as a whole, the Assessment Report concludes favourably with respect to the Coppabella precinct:

“Although the Western part of the proposal (being the Coppabella Precinct) may be suited to a wind farm development, the Applicant has failed to demonstrate appropriate environmental and social outcomes of the current overall proposal”.

This precinct is likely to be viable even if several turbines are ultimately removed by approval conditions.

A map of the infrastructure specific to this precinct is included in Annexure E.4.

Conroy's Gap Extension precinct

The Conroy's Gap Extension precinct (comprising 18 wind turbines) is also entirely stand-alone with respect to the other precincts, and includes its own site access (most likely via the approved Conroy's Gap Wind Farm) and transmission line connections:

- The transmission connection is likely to be via the (approved) Conroy's Gap Wind Farm (though an alternate option to the East is also available) and is independent of the 330kV Connection and Marilba precincts;
- The majority of turbines related to this precinct are covered under binding land agreements - negotiations are continuing with one landowner who is awaiting development approval before finalising agreements;
- The outstanding land parcels are at the northern edge of this precinct - if appropriate land agreements are not finalised with this landowner the construction and operation of the remainder of the precinct would be unaffected - further, this landowner has no residence on the land and therefore the question of whether such a residence is “involved” or “not involved” does not apply;
- The precinct has been fully assessed for all planning issues.

This precinct is in closer proximity to the small number of objectors to the Project.

This precinct is likely to be viable if at least 10 wind turbines are approved, together with their connecting infrastructure and access tracks.

A map of the infrastructure related to this precinct is included in Annexure E.5.

Marilba & 330kV Connection precincts

The eastern section of the Marilba precinct (comprising 10 wind turbines) has been designed to connect to the Conroy's Gap Extension precinct. This section is viable and technically feasible even if the western section of the Marilba precinct does not proceed. A map of the infrastructure related to this arrangement, including its connection to the Conroy's Gap Extension precinct, is included in Annexure E.6.

The remaining sections of the Marilba (comprising 17 wind turbines) and 330kV Connection precincts provide additional wind turbine capacity, but due to commercial constraints are only likely to be constructed if either the Coppabella precinct or the Conroy's Gap Extension precinct is built.

Options available to PAC

If the PAC is ultimately minded to approve the Project subject to imposing conditions which modify the Project, the following arrangements would be feasible and constructible:

- requiring modifications which remove all elements other than the Coppabella, Conroy's Gap Extension and eastern half of the Marilba precincts (which can be combined with the Conroy's Gap Extension precinct as noted above);
- requiring modifications which remove all elements other than the Coppabella and Conroy's Gap Extension precincts;
- requiring modifications which remove all elements other than the Coppabella precinct.

Each of these configurations would result in a feasible and constructible project, even with the removal of any additional turbines from within each precinct if PAC considers that this is warranted.

However, Epuron notes that, in general, the Project benefits (energy production; greenhouse gas savings; local economic benefits) and planning concerns (loss of biodiversity; need for biodiversity offsets) are proportional to the number of wind turbines installed. Accordingly, if the Project is reduced in scope, its benefits and impacts would each proportionally reduce.

5. Consultation

Community consultation in relation to this project has been extensive and ongoing for more than seven years. This consultation has included:

- a Community Consultative Committee which has met regularly since first formed in March 2013;
- numerous direct meetings, phone calls and correspondence with involved and neighbouring property owners (out to at least 5km from the wind turbines) as well as known project objectors, by both the proponent and its various independent experts;
- multiple newsletters and reports through local media;
- two separate exhibition periods for the EA (~1 month) and PPR (~2.5 months);
- a public meeting ("open house") providing information and direct contact with the proponent's staff and involved experts; and,
- participation in regional jobs expo and regional roundtables about the economic benefits of wind energy projects in the Yass Goulburn region.

Further details were provided in the PPSR including Minutes of CCC meetings, copies of 5 recent newsletters and, a table of consultation with each of the neighbours within 5km.

Given the area has a generally low population density, the majority of consultation has been through direct meetings, phone calls and correspondence, as well as through the Community Consultative Committee.

Notwithstanding (or perhaps as a result of) this very broad consultation, only a very small percentage of the local population have written objecting to the wind farm – the PPR received only 8 submissions from objectors, and only 3 of these objectors live within 5km of a proposed wind turbine. This represents 2.3% of households within 5km of the wind turbine area, and less than 0.1% of the population of the local region.

The small number of vocal objectors who remain have been consulted with but have not changed their opinion regarding the wind farm. We respect the opinions of all community members whether they are for or against the wind farm, and do not hold the unrealistic expectation that all community members will support the Project.

Our aims in consultation are to ensure that we have:

- provided information to community members sufficient for them to know what is planned;
- provided opportunities for community members to express any concerns or provide information to us;
- considered those concerns and any information provided;
- where appropriate and practical, made any changes to the project; and
- advised individuals about how the issues raised have been considered and if they have resulted in change to the project.

The proponent is confident that all people likely to be affected by the project are aware of it and have had due opportunity to talk with us about it and present their views to the Department. We are confident that through this extensive process all possible planning issues have been identified, assessed and addressed where practical.

6. Assessment

In carrying out this Development, Epuron has:

- consulted widely with both the community and government to ensure that all possible planning issues are raised and their impacts appropriately assessed;
- assessed all planning issues associated with the project;
- determined appropriate management and mitigation measures and included these in its Statement of Commitments;
- determined the scope and timing of additional work which can only be carried out post approval (final visual impact assessment; final noise impact assessment; final radar design study etc); and
- determined the appropriate mechanisms to develop and implement the necessary Environmental Management Plans including a Biodiversity Offset Strategy.

The Department reviewed both the EA and the PPR and determined them to be adequate for exhibition under the EP&A Act.

In the Assessment Report, the Department has confirmed that *"No public authority objected to the proposal..."*, though noting that each authority raised issues for consideration. Epuron has subsequently addressed each of these issues.

The exhibition of the PPR raised only 8 public submissions, of which only 3 were located within 5km of the wind farm area. This is a very small number of objections for a project of this nature. Epuron has responded to each of these submissions in turn.

Federal assessment of the Project under the *Environment Protection and Biodiversity Conservation Act 1999 (Cth) (EPBC Act)* has been completed. This assessment confirmed that the ecological impacts of the Project were acceptable, and accordingly, two separate EPBC Act approvals have already been granted for the Project via (one approval for the Conroy's Gap Extension precinct, the other for the remainder of the Project).

After seven years of site assessment, the proponent considers that it has fully assessed the planning issues of the site and that there are no planning issues that cannot be adequately managed in accordance with the conditions of approval.

7. Response to issues raised in Assessment Report

Table 1 attempts to summarise the issues raised in the Assessment Report, and to indicate how Epuron intends to respond to those issues more fully in its Detailed Submission to be provided as outlined in Section 8.

Table 1 – Assessment Report – Issues Raised

Issue	Description / Reference	Initial Response
1. Insufficient Land Tenure	<i>"Infrastructure is located on land where the Applicant has not successfully secured land tenure."</i>	New issue not previously raised. We do not consider this a valid planning issue and will provide further details in our Detailed Submission.
2. Inadequate Assessment	<i>"Applicant has not assessed the impacts of all aspects of the project infrastructure."</i>	All impacts of all project infrastructure have been assessed and management, mitigation and commitments provided as appropriate. We will provide further details in our Detailed Submission.
3. Consistent Layout and Footprint	<i>"Applicant has failed to adequately demonstrate that it has developed a consistent project layout and footprint which ensures the proposal's environmental and social impacts can be appropriately evaluated"</i> <i>Applicant has failed "to demonstrate a consistent project design that can be wholly and feasibly constructed including the secure provision of interconnecting infrastructure and access across the site."</i>	All required information has already been provided to the Department. The Project layout and Statement of Commitments are outlined in this letter. Constructability in whole or in part is outlined in this letter. We will provide further details in our Detailed Submission.
4. Aspects not confirmed	<i>"There are too many aspects of the project which have not been confirmed and committed to by the Applicant"</i>	All required information has already been provided to the Department. The Project layout and Statement of Commitments are outlined in this letter. We will provide further details in our Detailed Submission.
5. Involved / Not involved property owners	<i>"The Applicant has not reasonably assessed all of the impacts of the proposal on some landowners that are currently "not-associated" with the proposal, as the Applicant has nominated these to be "associated" landowners."</i>	New issue not previously raised. An initial response is provided in Annexure D.1 and this will be supplemented in the Detailed Submission. However, to fully address this issue requires an independent visual impact analysis to be carried out by a suitably qualified expert. We have commenced the preparation of photomontages required for this analysis, and anticipate these would be available shortly.
6. Aviation – Radar interference	<i>"The Applicant has failed to demonstrate the level of risk to the integrity of the operation of the Mt Majura PSR/SSR Air Traffic Control radar and Mt Bobbara SSR Air Traffic Control radars."</i>	All required information has already been provided to the Department. Final assessment to be carried out as consent condition. We will provide further details in our Detailed Submission.
7. Aviation – local airstrips	<i>"The Applicant has not fully evaluated the level and nature of adverse impacts on local commercial and/or non-commercial aviation."</i> <i>The Applicant has failed "to demonstrate that the proposal will not have an adverse impact on either commercial or non-commercial aviation"</i>	Includes new assessment approach not previously raised with Epuron. We will provide an initial response in our Detailed Submission. We anticipate an additional independent assessment may be required to address this new assessment approach.

Issue	Description / Reference	Initial Response
8. Biodiversity commitment to avoid impacts	<i>"The Applicant has not demonstrated a sufficient commitment to the avoidance of biodiversity impact"</i>	All required information has already been provided to the Department. The revisions to the layout since the last exhibited layout predominantly result from attempts to make detailed infrastructure relocations to minimise biodiversity impacts now, rather than through the usual micro-siting. We will provide further details in our Detailed Submission.
9. Biodiversity assessment risk	<i>"There is residual risk that some biodiversity aspects of the proposal have not yet been assessed"</i>	All required information has already been provided to the Department. We will provide further details in our Detailed Submission. If an additional independent assessment is required, this would follow our Detailed Submission.
10. Biodiversity offsets	<i>"The Applicant has not demonstrated that it can design and secure an appropriate offset site to adequately offset the biodiversity impacts of the project."</i>	All required information has already been provided to the Department. Demonstration of this has always been included in our Statement of Commitments which was accepted in the Department's adequacy review and is consistent with all other wind farms. We will provide further details in our Detailed Submission. If an additional independent assessment is required, this would follow our Detailed Submission.
11. Documentation and Consultation	<i>"The Applicant's standard of documentation and level of community and stakeholder engagement has fallen well short of industry best practice expected by the Government and the Community."</i>	Our challenges in this respect are outlined at high level in this letter. We will provide further details in our Detailed Submission.

8. Next steps

General

In order to fully address the matters raised in the Assessment Report, Epuron respectfully asks the PAC that it accord Epuron procedural fairness by:

- granting Epuron sufficient time to address the technical aspects of each of the issues raised in the Assessment Report; and
- considering this further information,

prior to any determination being made by the PAC in relation to the Project.

Epuron proposes to respond to the matters raised in the Assessment Report by:

- preparing a Detailed Submission which will address key assessment issues raised in the Assessment Report. Epuron anticipates the Detailed Submission would be provided by **26 February 2015** (2 weeks);
- the provision of an independent visual impact analysis to address the new issues raised in the Assessment Report as summarised in Item 5 of Table 1. Epuron anticipates this independent visual impact analysis would be available by **26 March 2015**; and

- potentially, the provision of an independent analysis to address the new assessment approach raised by Assessment Report as summarised in Item 7 of Table 1. Epuron is still considering whether this issue merits further independent analysis and will keep the PAC informed of its decision in this regard. If any such report is required, then Epuron would aim to have it delivered to the PAC by **26 March 2015** (to be confirmed).

Epuron would also appreciate the opportunity to meet with the PAC to present these results, outline the key issues and demonstrate our commitment to this Project and to mitigating the impacts related to it.

Aeronautical surveillance radar assessment

A key issue raised in the Assessment Report relates to the approach to surveillance radar assessment, and Epuron have, to date, received no feedback from the Department on this issue to determine the appropriate course of action. We do not believe the Department has given any reasonable justification as to why this particular wind farm should be treated differently to all other approved wind farms in NSW, or indeed from the provisions highlighted in the Model Conditions.

We confirm our willingness to carry out the assessment requested by AirServices, and at the timeframe requested by AirServices i.e. when the final wind turbine model and layout is known.

However, we are keen to ensure that this issue is resolved to the satisfaction of the PAC. Accordingly, we respectfully request that the PAC confirms how it would like this issue resolved. We suggest that the practicable options available are limited to:

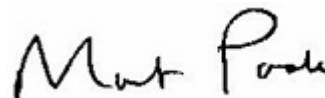
- 1) accepting that this issue is adequately addressed by way of the proposed Statement of Commitments, which requires a final impact assessment post-approval in accordance with the normal approach to surveillance radar assessment; or
- 2) addressing this issue via a deferred commencement condition specifying that any development consent granted shall not operate until the final surveillance radar assessment is complete and appropriate mitigation provisions (if any) have been determined; or
- 3) Epuron being provided with sufficient time, prior to determining the application, to finalise the surveillance radar assessment in consultation with AirServices (noting that this may result in AirServices carrying out its assessment twice which is contrary to its requirements).

We look forward to your feedback and the opportunity to present our Project.

Yours sincerely,



ANDREW DURRAN
Executive Director



MARTIN POOLE
Executive Director

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Annexure A. Development Timetable

Date	Action
October 2008	Planning Focus Meeting for agencies to visit the proposed site
October 2008	Yass Valley Wind Farm confirmed as a Major Project
December 2008	Project Application lodged with Department of Planning and Infrastructure (DPI) for a 3 precinct wind farm – Coppabella, Marilba and Carroll's Ridge precincts
January 2009	Director General's Requirements issued to guide the preparation of the Environmental Assessment
May 2009	Environmental Assessment lodged with DPI but potential for impacts to endangered bats at Carroll's Ridge deemed not acceptable so this precinct was removed from the current application
November 2009	Environmental Assessment (Coppabella and Marilba precincts) lodged with DPI
Nov - Dec 2009	Exhibition of Environmental Assessment
November 2009	Newsletter to community advising of exhibition of EA
December 2009	Origin Energy acquired the project from Epuron
December 2009	15 public and 7 agency submissions received in response to exhibition of the EA
Dec 2009- July 2012	Project owned and progressed solely by Origin Energy
July 2012	Epuron acquired the project back from Origin Energy
August 2012	Newsletter to community advising that Epuron is again progressing the wind farm and seeking nominations for the Community Consultative Committee
August 2012	Department of Planning & Environment (DPE) advise sunset date of 30 November 2012 for lodgement of PPR part 3A projects
November 2012	Preferred Project Report lodged with DPE
December 2012	Newsletter to community advising of exhibition of Preferred Project Report
Dec 2012 to Mar 2013	Exhibition of Preferred Project Report (PPR)
May 2013	8 public and 9 agency submissions received in response to exhibition of the PPR
July 2013	A new report, the Preferred Project & Submissions Report, which responded to (May 2013) submissions to the PPR, lodged with DPE. Further agency comments provided to Epuron for response
September 2013	DPE provided list of additional issues to be addressed to Epuron
November 2013	Meeting with DPE to clarify requirements for updated PP&SR
December 2013	PP&SR, Revision 2, lodged with DPE
January 2014	Additional copies of PP&SR requested to send to agencies, provided by Epuron
March 2014	DPE request further information and further update to PP&SR
May 2014	PP&SR, Revision 3, lodged with DPE
May 2014	Meeting with DPE to review outstanding issues
June 2014	Meeting with DPE & OEH to identify additional information required
June 2014	Site visit with OEH to review pasture classification & hollow bearing tree assessment
July 2014	Additional biodiversity and GIS data provided to DPE and OEH
July, August 2014	DPE receives independent studies (visual; aviation)
22 August 2014	DPE receives final OEH comments
September 2014	Final PP&SR, Revision 4, lodged with DPE
16 September 2014	Epuron provides proposed approach on radar assessment to DPE
5 November 2014	DPE provides Epuron final OEH response and independent studies (visual; aviation)
14 November 2014	Epuron provides initial response to final OEH review and independent studies (visual; aviation)
27 November 2014	Epuron provides additional response to issues raised by DPE

Annexure B. Turbine Coordinates

B.1 Revised PPSR Annexure 16 – Turbine Coordinates

The following table updates Annexure 16 of the PPSR and includes:

- Removal of turbines related to Landowner 16 (see Annexure C.3)
- Relocation of turbines related to Hollow Bearing Trees (see Annexure C.5)
- Removal of turbines related to Landowner 8 & 9 (see Annexure D.1)

Turbine ID	Easting	Northing
1	641,135	6,156,615
2	642,183	6,155,309
3	641,934	6,155,584
4	641,683	6,155,973
5	641,228	6,156,306
6	644,704	6,153,528
7	643,949	6,154,128
8	643,690	6,154,400
9	642,410	6,155,033
10	642,697	6,154,767
11	644,507	6,153,820
12	645,386	6,153,102
13	645,920	6,153,005
14	645,844	6,152,689
15	643,186	6,154,579
16	640,374	6,156,085
17	640,731	6,155,502
18	640,494	6,155,780
19	641,174	6,155,340
25	639,997	6,154,114
29	641,753	6,154,245
30	640,070	6,154,676
31	640,038	6,155,010
32	639,618	6,154,648
33	639,464	6,153,582
34	638,607	6,154,188
35	638,391	6,153,940
36	639,022	6,154,556
37	638,704	6,154,914
38	639,088	6,155,044
39	638,176	6,153,691
40	637,724	6,153,002
41	637,724	6,152,676
42	637,890	6,153,483

Turbine ID	Easting	Northing
43	638,123	6,153,103
44	637,501	6,153,978
45	637,821	6,154,164
46	638,091	6,154,423
47	639,088	6,152,412
48	639,374	6,152,965
49	639,508	6,153,251
50	639,733	6,152,377
51	639,315	6,152,655
52	637,982	6,155,133
53	637,955	6,154,807
54	637,553	6,154,697
55	637,558	6,155,411
56	637,804	6,155,306
57	638,692	6,155,728
58	638,239	6,155,953
59	638,546	6,156,147
60	637,143	6,155,777
61	636,904	6,155,521
62	636,707	6,155,235
63	636,604	6,154,848
64	637,973	6,156,390
65	638,118	6,156,671
66	638,884	6,156,320
67	639,241	6,156,706
68	638,060	6,157,008
69	635,163	6,156,152
70	635,491	6,156,697
71	635,449	6,156,374
72	635,867	6,156,842
73	646,131	6,150,401
74	646,521	6,150,162
75	645,789	6,149,787
76	646,174	6,149,496

Turbine ID	Easting	Northing
77	645,814	6,149,346
78	644,751	6,150,491
79	644,471	6,150,212
80	644,204	6,150,650
81	643,496	6,151,799
82	643,622	6,152,119
83	653,869	6,149,983
84	653,194	6,149,608
85	653,260	6,149,921
86	653,296	6,150,233
87	653,274	6,150,848
88	653,192	6,150,541
92	653,718	6,149,738
100	657,779	6,152,902
101	657,729	6,152,632
102	657,541	6,152,417
103	657,608	6,151,700
104	657,688	6,151,403
105	657,457	6,151,129
106	657,822	6,150,824
110	653,972	6,153,876
111	652,405	6,154,318
112	653,843	6,154,217
114	653,391	6,154,324
116	653,431	6,154,025
117	653,839	6,151,769
118	653,821	6,152,082
119	654,059	6,153,012

Turbine ID	Easting	Northing
120	653,882	6,152,384
121	653,872	6,152,719
123	656,466	6,152,373
124	656,362	6,152,085
125	656,577	6,151,809
126	636,929	6,157,657
127	637,065	6,157,311
128	637,560	6,157,324
129	637,674	6,157,619
130	635,896	6,156,000
131	658,270	6,149,928
132	658,027	6,149,117
133	658,117	6,149,707
134	658,264	6,149,275
135	658,102	6,148,798
136	658,275	6,150,211
137	658,094	6,148,517
138	658,049	6,148,242
139	658,435	6,147,613
140	658,581	6,147,858
141	658,136	6,147,895
142	659,406	6,147,513
143	659,500	6,147,766
144	659,292	6,146,573
145	658,822	6,146,536
146	658,957	6,147,198
147	658,828	6,147,521
148	658,990	6,146,867

Annexure C. Departmental Correspondence

- C.1 Email FW: AirServices Australia – Statement of Commitments Yass Valley Wind Farm dated 16 September 2014
- C.2 Letter dated 22 October 2015
- C.3 Email Yass Valley Wind Farm – landowner letter dated 13 November 2014 including attachments
- C.4 Submission Yass Valley Wind Farm – Response to questions raised – Nov 14 dated 14 November 2014
- C.5 Letter and email Yass Valley Wind Farm – Infrastructure Amendments dated 27 November 2014

Annexure D. Project changes in response to Assessment Report

D.1 Involved / Uninvolved Landowners

Epuron has reviewed the comments in the Assessment Report in relation to involved / uninvolved landowners, specifically those landowners shown in Table 3 of that report:

- Landowner 8 and 9 (C04) located to the south of the Coppabella precinct (Joan Shaw and Whitefields Pastoral Co Pty Ltd);
- Landowner 16 (C27) located to the west of the Marilba precinct (John Garry); and
- Landowner 23, 24, 25 located as part of the 330kV Connection precinct (Richard Julian).

Landowners 8 and 9

As outlined in Annexure C.3, Epuron previously held a 5 year license agreement with the owner of this property (John Garry) who subsequently died. His wife has indicated that she no longer wishes to remain part of the Project. Accordingly this land and the related infrastructure was removed from the Project on 13 November 2014.

The Department is well aware of this change in the Development.

After providing this information, Epuron offered to provide any additional information requested in relation to this Landowner. However, the Department has not responded to this request. We intend to provide an assessment (specifically noise, visual impact) of the residences on this property as non-involved residences as part of our Detailed Submission.

Landowner 16

Epuron has been discussing an agreement with Landowner 16 for some time. At no time over the development period has Landowner 16 objected to the development, and the landowner has indicated on a number of occasions that they neither support nor object to the Project.

Following the release of the Assessment Report, Epuron contacted the representatives of Landowner 16 again seeking confirmation of their support for the inclusion of infrastructure on their land. Landowner 16 was not willing to confirm whether or not they supported the Project including infrastructure on their land.

As a result, to provide clarity to the current process, Epuron has decided to remove all infrastructure related to this landowner, as indicated in Figure 1. This removes 8 wind turbines and related infrastructure from the Project.

We intend to provide an assessment (specifically noise, visual impact) of the residences on this property as non-involved residences as part of our Detailed Submission.

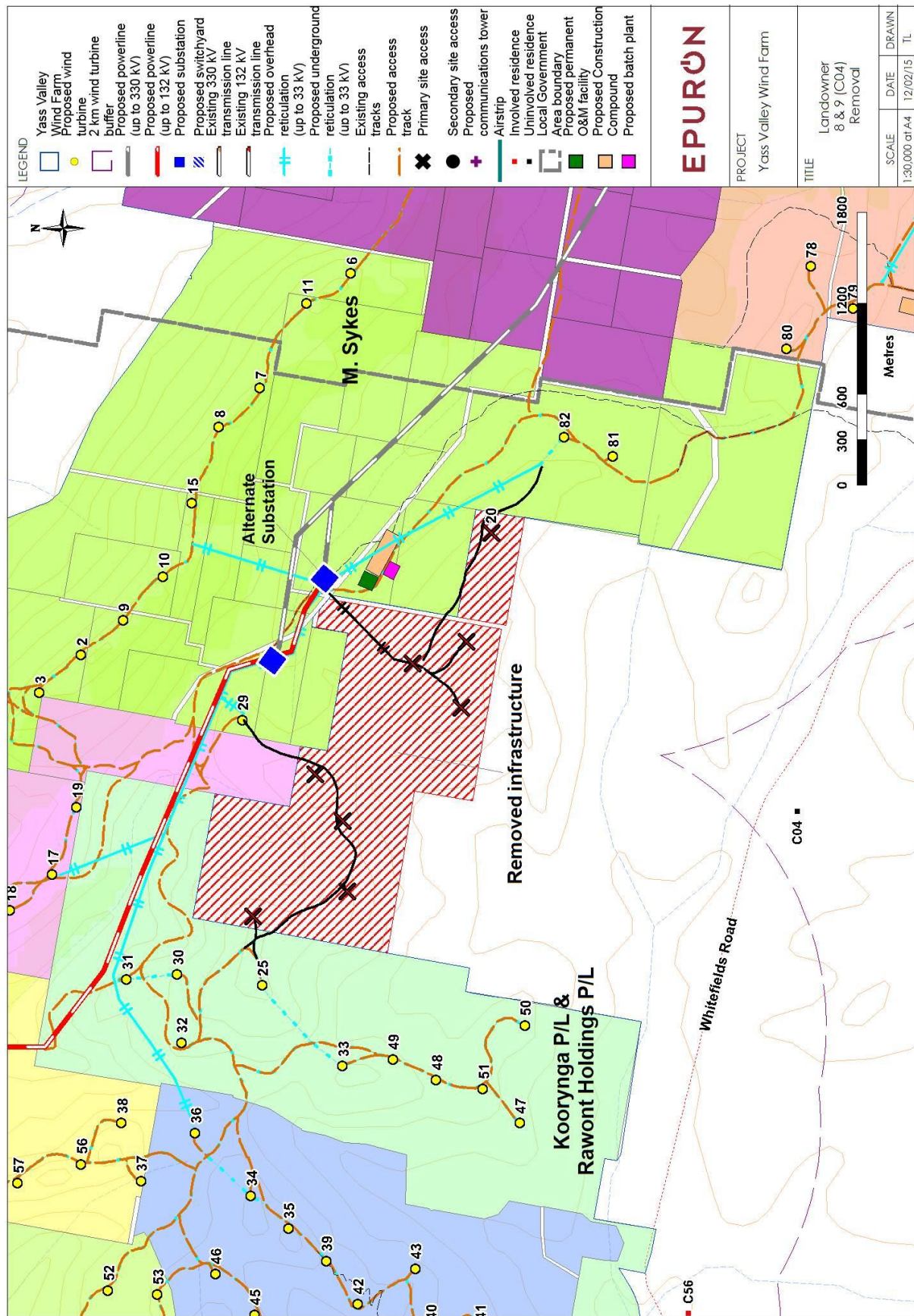


Figure 1 - Landowner 8&9 Removal

Landowner 23, 24, 25

Epuron has been negotiating the commercial terms of an agreement with Landowner 23, 24, 25 for some time. At no time over the development period has this landowner objected to the development, and the landowner has indicated on a number of occasions that they are willing to negotiate the appropriate commercial terms for infrastructure on their land with Epuron.

Following the release of the Assessment Report, Epuron contacted this landowner again seeking confirmation of their support for the inclusion of infrastructure on their land.

The landowner stated to Epuron (pers. comm. 4Feb2015):

- someone (he couldn't remember who) from the Department did ring him last year;
- he advised them that he hadn't signed any agreement with us;
- contrary to the statement of the Department in the Assessment Report, he did not tell the Department that he didn't want to be involved with the project or that he didn't want wind farm infrastructure on his land;
- his position on this is unchanged and he would talk to us again if and when there was clarity on what was happening with the project; and
- he was willing to make that same statement to anyone from PAC who was interested in calling him.

Accordingly, the Assessment Report appears wrong in this regard.

It is common for landowners to not have final commercial agreements in place at the time of submitting a DA for a wind farm project, or for that matter, at the time of determination of that DA. Similar approaches are taken to many large scale infrastructure projects including rail and road projects. This particular landowner prefers the certainty of understanding whether or not the Project has been approved, and if so what conditions may apply to that approval which could impact the landowner, before committing to a long term (>30 year) land agreement. Epuron considers this a perfectly reasonable position for the Landowner to take.

On this basis, and on the basis that this Landowner is continuing to negotiate land agreements with us, Epuron continues to consider this Landowner to be an "involved landowner".

However, to avoid any doubt, we intend to provide an assessment (specifically noise, visual impact) of the residences on this property as both involved and non-involved residences as part of our further Submission.

Annexure E. Project Maps

- E.1 Final Project Layout
- E.2 Final Project Layout with Landowners
- E.3 Final Project Layout with Precinct Boundaries
- E.4 Coppabella Precinct
- E.5 Conroy's Gap Extension Precinct
- E.6 Conroy's Gap Extension Precinct with Marilba (Eastern Section)

Annexure F. Statement of Commitments
