

UNION FENOSA
WIND AUSTRALIA



PALING YARDS WIND FARM
APPENDIX 1

**LETTER FROM DoPI
AND CHECKLIST**



Planning & Infrastructure

Office of the Director General

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12/05643

Dear Mr Mohajerani

Draft NSW Wind Farm Planning Guidelines

I am writing to you about the implementation of the *Draft NSW Wind Farm Planning Guidelines* ('the guidelines'), which were publicly exhibited from 23 December 2011 to 14 March 2012. The guidelines provide a regulatory framework to guide investment in wind farms across NSW while minimising potential impacts on local communities. A copy of the draft guidelines is available at www.planning.nsw.gov.au.

It is intended that the guidelines will be finalised by mid 2012. The guidelines are relevant for all proponents and owners of wind farms, and I ask you to consider the attached Policy Statement in preparing assessment documentation or in managing your existing operations.

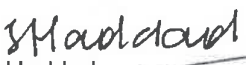
I am also asking proponents of wind farm projects and owners of wind farms to advise me of the measures they propose to take to implement the draft guidelines.

Until the finalisation of the draft guidelines, it is important to ensure that the potential environmental impacts of wind farms are comprehensively considered as part of the assessment process and the construction and operation of approved projects. Please refer to the attached Policy Statement which identifies the interim arrangements for State Significant Development and transitional Part 3A wind farms. The arrangements vary depending on the stage of an application in the assessment and determination process.

I have also attached a checklist highlighting key provisions of the guidelines which should be adopted for new applications and those yet to be exhibited.

The Department will support and advise you further on how to adopt and implement the guidelines. In this regard, I have arranged for Neville Osborne, Manager Infrastructure Projects, to assist you. Mr Osborne may be contacted on (02) 9228 6337.

Yours sincerely


Sam Haddad
Director-General

18/4/2012

POLICY STATEMENT

INTERIM WIND FARM PLANNING POLICY FOR STATE SIGNIFICANT AND TRANSITIONAL PART 3A WIND FARM PROJECTS

Background

The *Draft NSW Wind Farm Planning Guidelines* ('the guidelines') were publicly exhibited from 23 December 2011 to 14 March 2012. The guidelines provide a policy and regulatory framework to guide investment in wind farms in NSW while minimising potential impacts on local communities. The guidelines will be finalised after consideration of all submissions received during the exhibition period. In the interim, there are current, pending and approved State Significant Development (SSD) and transitional Part 3A wind farm applications.

Purpose of this Policy Statement

Until the finalisation of the guidelines, it is important to ensure that the potential environmental impacts of wind farms are comprehensively considered as part of the assessment process and the construction and operation of approved projects. This policy statement identifies the interim arrangements for consideration of the draft guidelines in relation to SSD and transitional Part 3A wind farms applications.

Interim policy arrangements

The following arrangements apply to all SSD and transitional Part 3A wind farms applications that have been or will be lodged with the Department before the finalisation of the guidelines.

Relevant provisions of the guidelines will be considered by the Department in determining the adequacy of an environmental assessment for exhibition. The Department will also consider relevant provisions of the draft guidelines in developing conditions of consent where applications are recommended for approval.

The implementation of the interim policy by proponents will vary according to the stage the application(s) is at in the assessment and approval process, as follows:

1. *New applications for which DGRs have not yet been issued*

The guidelines will be comprehensively applied to all new wind farm applications where Director General's Requirements (DGRs) have not been issued.

- The DGR's require the implementation of the relevant provisions in the draft guideline in the environmental assessment including the noise assessment, visual assessment, aviation safety, bushfire hazards, construction and decommissioning, monitoring and compliance programs and community consultation provisions. Please refer to attached Checklist.
- Proponents will be required to consult with all neighbours with dwellings within 2km of proposed wind turbines to identify any issues and potential approaches to mitigate any adverse impacts. Proponents should also seek the written agreement from neighbours with a dwelling within 2km of a proposed wind turbine.
- A community consultation committee will be required to be formed by the proponent and the committee will be consulted during the assessment process. Appendix C of the guidelines provides guidance on the establishment, membership and operation of the committee. The Department will assist proponents with the appointment of an independent committee chair and in the selection of members.

2. Applications for which DGRs have been issued but are yet to be exhibited

The guidelines will apply to the maximum extent possible to all wind farm applications for which the DGRs have been issued, but an environmental assessment has not yet been exhibited.

- Proponents are encouraged to adopt relevant provisions of the guideline relating to the construction and operation of wind farms in their environmental assessment, in particular relating to noise assessment, visual assessment, aviation safety, bushfire hazards, construction, decommissioning, monitoring and compliance programs. Please refer to the attached Checklist.
- Proponents should consult with all neighbours with dwellings within 2km of proposed wind turbines to identify any issues and potential approaches to mitigate any adverse impacts. Proponents should, where possible, seek the written agreement from neighbours with a dwelling within 2km of a proposed wind turbine.
- It is strongly recommended that proponents, if not done so already, immediately establish a Community Consultation Committee to provide for ongoing communication with the local community. Appendix C of the guidelines provides guidance on the establishment, membership and operation of the committee. The Department will assist proponents with the appointment of an independent committee chair and in the selection of members.

3. Applications that have been exhibited but not yet determined

Proponents are encouraged to adopt relevant provisions of the guidelines in the assessment, operation and construction of projects.

- It is recommended that proponents consider relevant provisions of the guidelines when responding to issues raised in submissions particularly in relation to noise, decommissioning and compliance provisions.
- It is strongly recommended that proponents, if not done so already, immediately establish a Community Consultation Committee to provide for ongoing communication with the local community. Appendix C of the guidelines provides guidance on the establishment, membership and operation of the committee. The Department will assist proponents with the appointment of an independent committee chair and in the selection of members.
- The Department will consider relevant provisions of the guidelines in developing conditions of consent where applications are recommended for approval.

4. Applications that have been approved

Proponents are encouraged to adopt relevant provisions of the guidelines in the operation and construction of projects.

- It is recommended that proponents consider relevant provisions of the draft guidelines in relation to noise management, decommissioning, monitoring and performance compliance in the construction and operation of the project.
- It is strongly recommended that proponents, if not done so already, immediately establish a Community Consultation Committee to provide for ongoing communication with the local community. Appendix C of the draft guidelines provides guidance on the establishment, membership and operation of the committee. The Department will assist proponents with the appointment of an independent committee chair and in the selection of members.

CHECK LIST
Key aspects of the 'Draft NSW Planning Guidelines Wind Farms'
relevant to applications yet to be exhibited

Issue	Potential Issues for considerations
Consultation	<ul style="list-style-type: none"> • Form a Community Consultation Committee. • Document the consultation process undertaken, including stakeholders consulted. Identify and tabulate issues raised by stakeholders during consultation. Describe how issues raised have been addressed. • Consult with all neighbours with dwellings within 2km of a proposed wind turbine. Identify the neighbours' issues and potential approaches to mitigate any adverse impacts. • Consider seeking agreement with neighbours with dwellings within 2km of a proposed wind turbine.
Landscape and visual amenity	<ul style="list-style-type: none"> • Provide photomontages from all non-host dwellings within 2km of a proposed wind turbine. • Identify the zone of visual influence of the wind farm (no less than 10km). and likely impacts on community and stakeholder values. Consider cumulative impacts on landscape and views. • Outline mitigation measures to avoid or manage impacts.
Noise	<ul style="list-style-type: none"> • Undertake assessment based on separate daytime (7am to 10pm) and night-time periods (10pm to 7am). • Predict noise levels at all dwellings within 2km of a proposed turbine. • Consider special audible characteristics, including tonality, amplitude modulation, and low frequency noise (apply penalties where relevant). • Outline measures to avoid, minimise, manage and monitor impacts.
Health	<ul style="list-style-type: none"> • Consider and document health issues, focusing on neighbours with dwellings within 2km of proposed wind turbines.
Ecological issues	<ul style="list-style-type: none"> • Consider potential impacts on birds and bats, particularly migratory species and outline the proposed monitoring and mitigation strategy
Aviation safety	<ul style="list-style-type: none"> • Outline current agricultural aerial uses on neighbouring properties. • Consider the potential for the proposed wind farm to impact on aviation safety associated with agricultural aerial uses consistent with the draft guidelines.
Bushfire hazard	<ul style="list-style-type: none"> • Consider bush fire issues consistent with the draft guidelines, including the risks that a wind farm will cause bush fire and any potential impacts on the aerial fighting of bush fires.
Blade throw	<ul style="list-style-type: none"> • Assess blade throw risks consistent with the draft guidelines. • Outline measures to avoid, minimise, manage and monitor impacts.
Economic issues	<ul style="list-style-type: none"> • Consider whether the wind farm use is consistent with relevant local or regional land use planning strategies. • Consider potential to impact upon mining/petroleum leases and exploration licences. • Consider any potential impacts upon property values consistent with the draft guidelines, including properties within 2km.
Decommissioning	<ul style="list-style-type: none"> • Include a Decommissioning and Rehabilitation Plan in the EA, including proposed funding arrangements. • Confirm that the proponent not the landowner is responsible for decommissioning.
Monitoring and compliance program	<ul style="list-style-type: none"> • Outline program to monitor environment performance to ensure compliance including mechanisms for reporting outcomes and procedures to rectifying non-compliance – including any provisions for independent reviews.
Council planning controls	<ul style="list-style-type: none"> • Outline whether the proposal is consistent with any relevant provisions of the relevant council's Development Control Plan and list any variations.

Checklist for Wind Farm Applications Yet to be Exhibited

ISSUE	POTENTIAL ISSUES FOR CONSIDERATIONS	COMMENTS
<p>Consultation</p>	<ul style="list-style-type: none"> ▪ Form a Community Consultative Committee. ▪ Document the consultation process undertaken, including stakeholders consulted. Identify and tabulate issues raised by stakeholders during consultation. Describe how issues raised have been addressed. ▪ Consult with all neighbours with dwellings within 2km of a proposed wind turbine. Identify the neighbours' issues and potential approaches to mitigate any adverse impacts. ▪ Consider seeking agreement with neighbours with dwellings within 2km of a proposed wind turbine. 	<ul style="list-style-type: none"> ▪ The process for forming a Community Consultative Committee has commenced. Advertisements seeking nominations in accordance with the <i>Draft NSW Wind Farm Planning Guidelines</i> (the 'Draft Guidelines') have been posted in local newspapers for several consecutive weeks and newsletters have been provided to Oberon Shire Council for display at their offices. ▪ For the complete details of the stakeholder consultation process refer to Chapter 22 – Consultation and Appendix 5 – Socio-Economic Impact Assessment. ▪ The site is in a generally isolated location and there are no non-project involved, identified dwellings within 2km of any of the proposed turbines. ▪ Therefore, no neighbours agreements are required for the project. It is noted that one non-project involved building is located within 2km of the project (approximately 1.65km); however this building has not been identified as an official dwelling and the owner cannot be contacted. ▪ The proponent has made several attempts over a two year period to contact the owner of the land on which the building is erected with no success. The proponent was provided with a name and contact number of the landowner and attempted contacting this landowner for the first time over the phone on 26 May 2011 and left a message on his voicemail. The proponent has tried several times since this date to contact the landowner. ▪ During the door-knock the proponent tried to access/find the property but with no success. Attempts were also made in 2012 to contact the landowner, but the phone number has been disconnected. ▪ Please refer to Chapter 22 for more details.

ISSUE	POTENTIAL ISSUES FOR CONSIDERATIONS	COMMENTS
Landscape and Visual Amenity	<ul style="list-style-type: none"> ▪ Provide photomontages from all non-host dwellings within 2km of a proposed wind turbine. ▪ Identify the zone of visual influence of the wind farm (no less than 10km) and likely impacts on community and stakeholder values. Consider cumulative impacts on landscape and views. ▪ Outline mitigation measures to avoid or manage impacts. 	<ul style="list-style-type: none"> ▪ As no non-project involved, identified dwellings are located within 2km of the project, photomontages for non-host dwellings were not required; however photomontages have been provided for eight locations in the vicinity of the project. Refer to Chapter 9, Figures 31 to 38 and Appendix 6 – Landscape and Visual Impact Assessment for the photomontages and descriptions. ▪ The Zone of Visual Influence of the project has been prepared for a 10km distance from the proposed turbines, and potential impacts (including cumulative impacts) assessed. ▪ Refer to Chapter 9 – Visual Impacts and Appendix 6 – Landscape and Visual Impact Assessment.
Noise	<ul style="list-style-type: none"> ▪ Undertake assessment based on separate daytime (7am to 10pm) and night-time period (10pm to 7am). ▪ Predict noise levels at all dwellings within 2km of a proposed turbine. ▪ Consider special audible characteristics including tonality, amplitude modulation, and low frequency noise (apply penalties where relevant). ▪ Outline measures to avoid, minimize, manage and monitor impacts. 	<ul style="list-style-type: none"> ▪ Separate day-time and night-time assessments have been carried out for the project. ▪ There are no non-project involved, identified dwellings are located within 2km of the project. Nonetheless, noise level predictions have been undertaken at identified residential receivers within 6km of proposed turbines. ▪ Additional assessments for ‘Special Audible Characteristics’ including tonality, amplitude modulation and low frequency noise have been completed. ▪ Refer to Chapter 10 – Noise and Appendix 7 – Noise Impact Assessment.
Health	<ul style="list-style-type: none"> ▪ Consider and document health issues, focusing on neighbours with dwelling within 2km of proposed wind turbines. 	<ul style="list-style-type: none"> ▪ An updated health impact assessment has been completed in accordance with the Draft Guidelines. It refers to recent published information and studies and that address potential health issues relating to residents within 2km of a proposed turbine. However, it is important to note that there are no non-project involved, identified dwellings located within 2km of the project. ▪ Refer to Chapter 11 – Health for further details.
Ecological Issues	<ul style="list-style-type: none"> ▪ Consider potential impacts on birds and bats, particularly migratory species and outline the proposed monitoring and mitigation strategy. 	<ul style="list-style-type: none"> ▪ No potential migratory species were detected and the potential impacts would not interfere with any potential migratory corridors or areas. ▪ Refer to Appendix 8 – Flora and Fauna Impact Assessment.

ISSUE	POTENTIAL ISSUES FOR CONSIDERATIONS	COMMENTS
Aviation Safety	<ul style="list-style-type: none"> ▪ Outline current agriculture aerial uses on neighbouring properties. ▪ Consider the potential for the proposed wind farm to impact on aviation safety associated with agricultural aerial uses consistent with the draft guidelines. 	<ul style="list-style-type: none"> ▪ Consultation has been undertaken with relevant stakeholders relating to aerial agricultural activities. ▪ The project will most likely prevent fixed wing aerial agricultural operations on the site; however, Aviation Projects conclude that safe aerial application operations would be possible on properties neighbouring the project, subject to final turbine locations, and subject to a case-by-case assessment. ▪ In the event the immediate neighbouring landowner(s) would require aerial agriculture spraying of their land adjacent to the wind farm and there is an increase in cost associated with the proximity to turbines, the proponent will cover the reasonable cost increase for the aerial agriculture activity. The landowner seeking compensation for the cost increase must demonstrate and justify this increase with previous records. ▪ Refer to Chapter 13 – Aeronautical Impacts for more details.
Bushfire Hazard	<ul style="list-style-type: none"> ▪ Consider bush fire issues consistent with the draft guidelines, including the risks that a wind farm will cause bush fire and any potential impacts on the aerial fighting of bush fires. 	<ul style="list-style-type: none"> ▪ An updated bushfire hazard impact assessment has been completed in accordance with the Draft Guidelines. It refers to recent published information and studies relating to the risk of bushfire due to project infrastructure and impacts on aerial fire-fighting. ▪ Refer to Chapter 16 – Fire.
Blade Throw	<ul style="list-style-type: none"> ▪ Assess blade throw risks consistent with the draft guidelines. ▪ Outline measures to avoid, minimise, manage and monitor impacts. 	<ul style="list-style-type: none"> ▪ The risks associated with blade throw have been considered in Chapter 11. ▪ Key concerns and mitigation measures have been identified and proposed as shown in Chapter 23 – Statement of Commitments.

ISSUE	POTENTIAL ISSUES FOR CONSIDERATIONS	COMMENTS
Economic Issues	<ul style="list-style-type: none"> ▪ Consider whether the wind farm use is consistent with relevant local or regional land use planning strategies. ▪ Consider potential to impact upon mining/petroleum leases and exploration licences. ▪ Consider any potential impacts upon property values consistent with the draft guidelines, including properties within 2km. 	<ul style="list-style-type: none"> ▪ The wind farm use is consistent with relevant local and regional land use planning strategies. Refer to Chapter 7.4 – Local Instruments for further details. ▪ The impact upon mining/petroleum leases and exploration licences has been considered. Refer to Chapter 3.13 – Mineral Exploration for further details. ▪ Research into the potential indirect economic impacts of wind farms on land values has been undertaken and addressed at Chapter 8.2.3 – Indirect Impacts.
Decommissioning	<ul style="list-style-type: none"> ▪ Include a Decommissioning and Rehabilitation Plan in the EA, including proposed funding arrangements. ▪ Confirm that the proponent not the landowner is responsible for decommissioning. 	<ul style="list-style-type: none"> ▪ A Decommissioning and Rehabilitation Plan (DRP) has been prepared by an independent consultant for the project. Refer to Chapter 5.16 – Decommissioning and Appendix 4 for the DRP. ▪ The proponent is responsible for the decommissioning of the project infrastructure, and the landowner is not liable for this obligation and this is recognised in the land lease agreements with each of the project involved landowners as shown in the DRP at Appendix 4.
Monitoring and Compliance Program	<ul style="list-style-type: none"> ▪ Outline program to monitor environment performance to ensure compliance including mechanisms for reporting outcomes and procedures to rectifying non-compliance – including any provisions for independent reviews. 	<ul style="list-style-type: none"> ▪ The proponent is committed to a compliance program for monitoring and enforcing environmental performance and reporting throughout the Construction and Operational phases of the project. This is demonstrated in the Statement of Commitments for the project in Chapter 23. The non-compliance issues (if any) will be rectified in accordance with the proposed mitigation procedures included in each of the relevant chapters of the EA.
Council Planning Controls	<ul style="list-style-type: none"> ▪ Outline whether the proposal is consistent with any relevant provisions of the relevant council's Development Control Plan and list any variations. 	<ul style="list-style-type: none"> ▪ The proposal is generally in accordance with the Oberon Shire Council Development Control Plans. Refer to Chapters 7.4.3 and 7.4.4 for more details.