

22 July 2016

**NSW Planning Assessment Commission Determination Report  
Collector Wind Farm (10\_0156 MOD 1)**

**1 INTRODUCTION**

On 26 May 2016, a request by Ratch Australia (the Proponent) to modify the Collector Wind Farm Project Approval was referred to the Planning Assessment Commission (the Commission) by the Department of Planning and Environment (the Department) for determination in accordance with the Minister's delegation to the Commission dated 14 September 2011.

For this determination, Ms Lynelle Briggs AO nominated Ms Abigail Goldberg (Chair), Ms Annabelle Pegrum AM and Mr Roger Fisher to constitute the Commission to determine the modification request.

**1.1 Background**

The Collector wind farm is located northwest of the village of Collector in the Upper Lachlan Shire local government area. The Cullerin Range Wind Farm is located immediately to the north of the site on the other side of the Hume Highway. Other operating wind farms in the region include Gunning to the north, and the Capital and Woodlawn Wind Farms to the south near Lake George.

The Commission approved the Collector Wind Farm on 2 December 2013, under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The approved project comprises:

- up to 55 wind turbines with a maximum tip height of 150 metres (m), a tower height of up to 100m and a blade diameter of up to 112m;
- connection to the electricity grid via an existing TransGrid 330 kilovolt (kV) transmission line; and
- associated surface infrastructure including seven site access points along Lerida Road South, construction compounds and an operation/maintenance facility.

There are no non-associated residences<sup>1</sup> within 2km of the approved wind farm, and there are seven residences between 2km to 3km. A topographical map showing the location of the non-associated residences in relation to the wind turbines is attached at **Appendix 1**.

Construction of the wind farm has not yet commenced.

**1.2 Summary of Modification Request**

The modification request, submitted by the Proponent, seeks approval to:

- change the location of ancillary infrastructure including the:
  - internal road layout and site access (in response to Upper Lachlan Shire Council concerns to minimise the use of Lerida Road South;
  - cabling layout and substation cabling; and
  - construction compound and operation/maintenance facility;
- changes to blade diameter of the wind turbines (but retain the same maximum tip height);
- changes to biodiversity offsetting and clearing limits in the approval to reflect current NSW Government policy; and

---

<sup>1</sup> 'Non-associated residences' are referred to as 'non-associated receptors' in the approval conditions.

- revision to the noise limits in the approval to reflect current NSW Government policy.

The modification request does not propose changes to the layout of the wind turbines nor to the physical boundaries of the approved project.

As with all modifications, the Commission must consider both the merits and the impacts of the matters proposed in the modification request. Attention must be focused on the particulars of the proposal as put forward by the Proponent.

## **2 COMMISSION'S MEETINGS AND SITE INSPECTION**

As part of its consideration of the modification proposal, the Commission met with the Department of Planning and Environment (the Department), the Proponent, representatives of Upper Lachlan Shire Council (Council), and conducted a public meeting in Collector. The Commission also inspected the site and the surrounding area. A summary of the meetings and site inspection are below. Notes from the meetings are provided in **Appendix 2** of this report.

### **2.1 Briefing from the Department**

The Commission was briefed on the modification request by the Department on 23 June 2016. The briefing provided an overview of the proposed modifications. The Department also noted the main issues raised in submissions, including concerns regarding the notification and exhibition of the request; the Community Enhancement Fund (CEF) and the role of the current Community Consultative Committee (CCC). Other primary issues raised included changes to traffic and the use of Lerida Road South; and impacts on views, biodiversity and the escarpment.

### **2.2 Briefing from the Proponent**

On 23 June 2016, the Commission received a briefing from the Proponent on the modification request. The Proponent outlined the basis of and background to the proposed modifications and provided comments on the expected energy outcomes.

### **2.3 Meeting with Representatives of Council**

On 28 June 2016, the Commission met with representatives of Council to hear its views on the proposed modifications. Council was generally supportive of the request, but raised a number of concerns regarding traffic as well as governance related to the CEF.

### **2.4 Site Inspection**

On 28 June 2016, the Commission undertook a site inspection with the Proponent. The Commission inspected the proposed location of the wind turbines, overhead cabling and site access points. The Commission separately inspected Lerida Road South, the interchange 11 km west of the site along the Hume Highway where heavy vehicles will be required to turn, other wind farms in the area and Collector village. The Commission also sighted a number of non-associated residences that would have views to the wind farm site.

Following the meetings and site visit the Commission sought additional information from the Department and the Proponent regarding the photomontages and visual assessment. The Commission also sought information from the Department regarding noise assessment and the status of the conditions with regard to the draft *NSW Planning Guidelines – Wind Farms (2011)* (Draft Wind Farm Guidelines) and contemporary wind farm conditions.

## **2.5 Public Meeting**

Having reviewed community submissions, the Commission held a public meeting on 29 June 2016 at the Collector Memorial Hall to provide the community with an opportunity to present to the panel on the modification request as part of the determination process.

A total of 16 speakers presented to the Commission. The list of speakers is provided in **Appendix 3**. A summary of the issues raised at the meeting is provided in **Appendix 4**. Key issues included:

- visual impacts;
- noise;
- biodiversity;
- traffic and roads;
- economics; and
- governance of the Community Consultative Committee (CCC) and the Community Enhancement Fund (CEF).

## **3 DEPARTMENT'S ASSESSMENT**

The Department's Environmental Assessment Report identified traffic, noise, visual impacts and biodiversity as key issues associated with the modification request. Other issues considered by the Department included heritage, aviation, bushfire risks, erosion, property values and economic viability.

The Department's assessment found that the proposed modification '*would not materially increase the impacts*' of the approved project. Consequently, the Department concluded that the '*proposed modification request is in the public interest and should be approved*', subject to amended conditions '*to minimise any residual impacts associated with the modification*'.

## **4 COMMISSION'S CONSIDERATION**

The Commission has given careful consideration to written and verbal submissions from the public, the Department's Environmental Assessment Report, comments from Council and information provided by the Proponent in this determination. The key matters considered by the Commission include the project justification in relation to the proposed blade extension; associated noise and compliance; associated visual impact; biodiversity; traffic arrangements; and micro-siting. The Commission also had regard to the Community Consultative Committee and the Community Enhancement Fund.

### **4.1 Project Justification – blade extension**

The original project application was approved with a maximum turbine tip height of 150m and a blade length of 56m with a maximum blade diameter of 112m. The Proponent seeks to increase the blade diameter to 117m while maintaining the maximum tip height of 150m.

Since the approval of the original project application, the Proponent advised that it had undertaken a tender process to select the turbine technology for the site. The Proponent advised that turbines with a longer blade diameter are considered to be better suited to this project as they are able to capture greater wind energy, with estimates that they '*would increase electricity generation from the wind farm by approximately 1.5% to 2%, which is equivalent to the energy supply requirements for 1,200 households*'.

The Commission considers that improvements in systems capable of delivering higher energy production are able to contribute to Australia's renewable energy targets, and can be of benefit to the community provided they outweigh any expected negative impacts.

## 4.2 Noise and Noise Compliance

Many community submissions raised noise as a major concern. The Proponent advised that with the longer blade length it may be challenging to comply with the 'flat 35dB(A)' criterion as conditioned in the current approval. The Proponent and the Department also noted that this condition is inconsistent with current NSW Government policy and Draft Wind Farm Guidelines.

The NSW Government has adopted the South Australian EPA's *Environmental Noise Guidelines: Wind Farms 2009* (SA Guidelines) for the establishment of noise criteria for wind farms. The SA Guidelines establish noise criteria at sensitive residences for wind farms as being the higher of 35dB LAeq(10 minute); or background noise plus 5dB(A) correlated to the integer wind speed at hub height.

The noise limit conditioned in the existing approval is fixed at 35dB(A), irrespective of the wind speed and background noise. This is the lowest noise criterion under the SA Guidelines for any wind farm in any location. This limit was recommended by the Department because the Proponent's original background noise data was considered unsuitable and their noise impact modelling for the original project indicated that the wind farm could meet the minimum 35dB(A) criteria at all non-associated receivers. However, the Commission notes that in its assessment report for the original project, the Department stated:

*"The Department would reconsider this position and the [fixed] noise limit if the Proponent updated its assessment based on newly collected background data. The Department could also consider this subject to a future modification application that included accompanying background data."*

The Proponent has now undertaken additional background noise monitoring and modelling of the noise impacts of the revised wind turbines in support of the request to have the noise limits correspond to NSW Government policy. The revised noise assessment includes consideration of noise impacts at 35 residences surrounding the wind farm for the modified turbines with 117m diameter blades.

This modelling predicts that the noise levels for the project would be below 35dB(A) at all non-associated residences, except at one residence, identified as Receiver FF, located approximately 2.1km from the nearest turbine. The highest predicted impact at "Receiver FF" is 37dB(A) at wind speeds of 12 metres per second, which is below the corresponding criteria of 47dB(A) and 5dB(A) below the corresponding background noise level at the residence.

The Department and the EPA have reviewed the revised noise assessment and both are satisfied that *'the background noise data provided is now of a quality and quantity that allows the establishment of criteria in accordance with the SA Guidelines and NSW Government policy'*.

Consequently, the Commission is satisfied that the modification proposal would not result in unacceptable additional noise impacts to surrounding non-associated receivers. The Commission notes that the wind farm is predicted to comply with the NSW Government policy at all times and supports the amendments to condition E6, noting the additional compliance requirements as addressed below.

### Noise Compliance

The Commission heard concerns from local residents at the public meeting about noise compliance and, in particular, for the ability for community members to report noise issues to be actioned and addressed. Local residents also emphasised the importance of ensuring that appropriate mitigation measures are retained in the Statement of Commitments.

The Draft Wind Farm Guidelines and the project approval contain a number of requirements regarding auditing and compliance, particularly relating to noise. Should the community have any enquiries or complaints about the construction and/or operation of the wind farm, the Commission advises that condition C3 requires the Proponent, prior to construction, to set up a 24 hour telephone number and provide a postal address as well as an email address to receive and reply to correspondence from the community for the life of the project. These contact details must be published in the newspaper(s) circulating in the local area prior to the commencement of construction and again prior to the commencement of operation. The contact details must also be provided on the website for this project. The Commission has moreover secured agreement from the Proponent to amend condition C3 to ensure that the 24 hour telephone number would be an attended line rather than a voice messaging service.

Condition C3 also requires a complaints management and mediation system, for complaints unable to be resolved, to be developed prior to the commencement of construction. Condition C5 requires in addition that information on all complaints received, including the means by which they were addressed and whether a resolution was reached, to be recorded and included in compliance reports to be submitted to the Secretary of the Department and the EPA annually.

Furthermore, the Commission notes that the Department's recommended conditions would require the Proponent to carry out noise monitoring at any time if required by the Secretary, and that the Draft Wind Farm Guidelines state that neighbours can write to the Secretary to request independent noise monitoring at their house if they believe compliance to be an issue.

In relation to changes to the Proponent's Statement of Commitments, the Proponent originally proposed to remove item 2.10 in the Statement of Commitments which reads:

*"The wind farm layout will be determined by compliance of the chosen turbine model with the noise criteria applicable to the development (35dBA (SA EPA)) criterion. If required, non-compliant turbines will be removed from the layout."*

Both the Proponent and the Department had argued that as the project, as modified, is expected to comply with the revised noise criteria at all times, the item is no longer necessary.

However, given the community's concerns about the management of any noise impacts associated with the proposal, the Commission has sought to provide certainty for the community that the wind farm is appropriately conditioned to comply with the revised criteria. As such, the Commission has attained the Proponent's agreement to reinstate item 2.10 and update it to refer to the new noise criteria, as follows:

*"The wind farm layout will be determined by compliance of the chosen turbine model with the noise criteria applicable to the development, as outlined in the conditions of approval. If required, non-compliant turbines will be removed from the layout"*.

The Commission notes moreover that the wind farm is a scheduled activity under the *Protection of the Environment Operations Act 1997* and therefore within the regulatory authority of the EPA. The EPA, with technical specialists in the field of noise, is equipped to ensure that the wind farm will comply with noise conditions through the project's Environmental Protection Licence.

### 4.3 Visual Impacts

Visual impacts to non-associated residences and the village of Collector attracted considerable community interest during the assessment of the original project. The Commission acknowledges the ongoing concerns of many community members about both the quality of the visual assessment and potential visual impacts of the approved wind farm.

The Commission has reviewed the Proponent's visual assessment, the Department's recommendation, and has carried out its own inspection of the site and locality. The Commission also sought additional information from the Proponent and the Department to support the visual assessments, including a detailed, topographical map showing the location of the wind turbines in relation to the non-associated dwellings (attached as **Appendix 1**).

The Commission has had regard to a number of key factors included in the Department's overall assessment of the modification that it has taken into account in its consideration of visual impact:

- there are no new residences or landscapes that have not been previously assessed that are subject to the modification;
- the blade tip height remains at a maximum 150m and the turbine layout remains unchanged;
- the modification would not change the visual zone of influence or the extent of visibility of the wind farm;
- the nearest non-associated residence is outside of the 2km buffer from the project and the village is some 4 km from a turbine such that the relationship between the turbines and their landscape setting remains unchanged;
- no shadow flicker is forecast at any non-associated residence;
- existing approval conditions relating to landscaping treatments for non-associated residences within 5 km will continue to apply;
- existing approval conditions relating to appropriate colours and finishes, lighting and landscaping remain in place to address residual visual impacts; and
- the transmission line sections (under consideration) would be similar to existing electricity cabling along Lerida Road South and would not be visible from the closest non-associated residences.

On balance, the Commission is satisfied that the information available to it, in combination with its own site inspection, supports a finding that there will be no material adverse visual impact resulting from the additional blade length.

However, the Commission has sympathy with the views of a number of local residents in their submissions and comments at the public hearing that more work could have been done by the Proponent to inform the community about the extent (or absence) of anticipated additional visual impacts of the proposal. Higher quality and larger scale photomontages that depict additional view-points, and viewing distances, as well as images that more clearly demonstrate the comparison between the approved and modified blade lengths would have been of particular value.

### 4.4 Biodiversity

#### Vegetation Clearing

Concerns were raised at the public meeting and in written submissions about the expected impacts on biodiversity. The Biodiversity Assessment Addendum (BAA) submitted with the modification request has assessed the potential impacts to biodiversity associated with the proposed modifications. The changes to vegetation clearing identified in the BAA include a 5.1 hectare increase in clearing of Box Gum Woodland and Derived Native Grassland Endangered Ecological Community

(EEC) and amendments to the assumptions for clearing to include the more conservative scenario that all clearing is permanent. The BAA also noted that due to the removal of turbines 53-60, as required under condition A6, the project will avoid all impact to Tablelands Snow Gum Grassy Woodland EEC. The Commission understands that the increase in the amount of native vegetation being cleared is predominantly due to refinements following detailed design.

The BAA also considered the impacts of the proposed modifications on threatened flora and fauna species and on hollow bearing trees. The assessment indicates that the modified project would not result in a significant impact on any threatened flora and fauna species. However, there would be one additional hollow bearing tree affected as a result of the modifications.

The Proponent now proposes to offset impacts to EECs and threatened species by way of an agreement under the NSW Framework for Biodiversity Assessment. The Commission notes that the Framework did not apply at the time of the original approval. Some community submissions expressed concern that the change to the assessment methodology would impact on the Cullerin escarpment.

The Commission notes that both the Department and Office of Environment and Heritage (OEH) have accepted the Proponent's approach to biodiversity offsetting through the Bio-Banking Assessment Methodology as it is consistent with the current policy for biodiversity offsetting associated with major projects.

The Department and OEH are satisfied that although there is a small increase in the net area of EEC to be cleared and that one additional hollow bearing tree would be affected, there is unlikely to be significant impacts on the biodiversity values of the locality as a result of the modifications and that the residual impacts would be the subject of appropriate offset arrangements.

The Commission is of the view that the impacts on biodiversity are acceptable and will be adequately managed via the Department's recommended conditions.

#### Specific Clearing Limits

Some members of the community raised concern about vegetation clearing required for the wind farm. The Commission notes that the Department did not accept a request from the Proponent to remove the approved limits for clearing EEC vegetation and has recommended that the limits remain but be modified so as to apply to EECs. The Commission shares the Department's view that specifying clearing limits in the project approval will ensure the Proponent minimises the clearing of native vegetation. The Commission accordingly supports the Department's amendments to condition B1 which specify the maximum quantum of EEC that may be cleared.

#### Bird and Bat Strike

Concern was raised at the public meeting and in written submissions about the potential impacts from the wind farm on birds and bats. The Commission accepts that any additional risk of bird and bat strike would be adequately managed through a Bird and Bat Adaptive Management Plan (BBAMP). The Commission understands that in accordance with the existing approval, the BBAMP will need to be finalised in consultation with OEH and submitted to the Secretary for approval. The Department has advised that OEH has reviewed the latest draft BBAMP, prepared in December 2014, and is satisfied the Plan can be adequately finalised in accordance with the existing conditions.

#### **4.5 Micro-siting**

The Commission notes concerns raised by the community in relation to the location and spacing between each turbine. The Proponent seeks to amend the definition of micro-siting to increase the existing 100m allowance to 300m in localised areas to address topographical constraints. The Commission acknowledges the benefits of allowing the turbine locations to be optimised. However, the Commission agrees with the Department's view that the modification request does not contain sufficient justification for this micro-siting change and does not support this proposed modification. The Commission is also of the view that any such change would require an additional and detailed assessment of visual impacts, with particular attention to visual impact from non-associated residences, Collector village and the public domain (including the Highway), and notes that the Department has required the GIS Coordinates of all approved turbines to be added to the approval to avoid doubt in the interpretation of the existing micro-sitting allowance.

The Commission also heard concerns regarding the spacing between turbines and appropriate specifications related to the increased swept area of the longer blades. The Commission notes that the project provides for 'up to' 55 turbines and that condition A8E of the existing approval requires the wind farm to be constructed according to IEC 61400-1 *Wind Turbines – Part 1: Design Requirements* (or equivalent), which deals with turbine spacing, turbulence and hazards.

The Department has taken the opportunity to contemporise conditions A8B and A8C relating to micro-siting having regard to the longer blade length. The Commission notes that the Proponent does not raise objection to these changes. Consequently, the Commission supports these amendments as they are consistent with other recent wind farm approvals.

The Commission has also secured the Proponent's agreement to an additional micro-sitting clause (A8B(b1)), which prevents turbine 45 from being micro-sited closer to Receiver FF than the nominated turbine coordinates. Receiver FF is the nearest residence to the wind farm.

#### **4.6 Traffic**

##### Road Layout and Site Access

Council and some members of the community supported the proposed modifications to the road layout and site access. The Proponent seeks to reduce the number of vehicle access points to Lerida South Road from seven to four. These changes are in keeping with Council's request that the use of Lerida Road be minimised. Following negotiations with Council, the Proponent has also agreed to upgrade the road to all four access points. Council has advised that it is satisfied with the revised conditions.

The Department is of the view that the proposed modifications would reduce traffic impacts associated with the project by addressing safety concerns, particularly around upgrading and rationalising the use of Lerida Road South.

The Commission is satisfied that modifications to the road layout and site access points are acceptable.

##### Changes to Traffic Assumptions

Some submissions raised concern about the amount of construction traffic. The Traffic Assessment Addendum (TAA) submitted with the modification request provides an updated assessment of the traffic impacts from the project, as modified.



The TAA identified that there would be an increase of approximately 300 vehicles over the course of the construction phase, compared to that originally assessed. The TAA concluded that this increase can be safely accommodated by the existing road network. There would be no change to the expected maximum daily traffic generation during the construction or operation of the project.

The Commission notes that both the Department and RMS are satisfied that the traffic generation resulting from the proposed modification would be appropriately managed under the existing conditions of approval. The Commission is of the view that the traffic impacts from the project as modified are acceptable.

The Commission found that different terminology (trucks, construction trucks and heavy vehicles) is used in the Department's report in relation to the controls to be placed on vehicular traffic. There is in addition some confusion in the community as to the nature and extent of the conditions to be placed on the movement of vehicles associated with the construction and management of the site. The Commission has been advised by the Department that the term "heavy vehicles" used in the approved conditions associated with construction of the wind farm applies only to heavy vehicles as set out in the *Heavy Vehicle National Law (NSW) 2016*. The Department advises that this reflects the requirements of the Roads and Maritime Services (RMS). The Commission also understands that additional controls will to be placed on the movement of over-size and/or over-mass vehicles involved in the construction phase, consistent with normal RMS requirements.

#### Road Dilapidation

At its meeting with the Commission, Council requested that condition D20 should allow for a joint physical inspection of the roads by the Proponent and Council, because in Council's view, the automated 'asset maintenance' style inspection systems (laser and/or gypsy car), do not adequately support comparative assessments of point in time road deterioration. The Commission acknowledges this concern and has accordingly amended condition D20 to require that the Proponent undertake the Road Dilapidation Report using a method of analysis agreed with the relevant road authority.

#### **4.7 Other Issues**

The Commission accepts the Department's consideration of heritage, aviation, bushfire risks, erosion, property values, the Cullerin escarpment and economic viability. However, the Commission would like to respond to issues raised by both the local community and Council in relation to the Community Consultative Committee, community engagement and the Community Enhancement Fund. The Commission would also like to clarify for the local community the meaning of non-associated residence.

#### Community Consultative Committee (CCC)

Some submissions raised concern about whether the existing CCC was adequately representative of the Collector community. Council expressed concern about the CCC assuming a role in relation to the CEF beyond the terms of reference as set out in the Draft Wind Farm Guidelines. Others at the public meeting supported the CCC including its role in relation to the CEF. The Commission notes that the existing CCC appears to have been established by the company as part of its consultation process for the original project application.

Condition C1 requires the CCC to operate in a manner generally consistent with the Draft Wind Farm Guidelines. As advised by the Department, the current chair and members of the CCC were not appointed by the Secretary of the Department, as required by these guidelines. The Commission considers that making appointments in accordance with the Draft Wind Farm Guidelines would go some way to reassuring Council and those community members concerned about representation on the Committee.

The Commission notes that the Department indicated that new CCC guidelines for State Significant Development will be released in the coming months. The updated guidelines are already accommodated in the existing approval and the Commission notes that this would be a compliance matter for the Department when the approval is activated.

### Community Engagement

There were concerns raised at the public meeting about the level of community engagement undertaken by the Proponent in relation to this modification request. The Commission notes that the Proponent undertook the following consultation on the modification request:

- notified the community within 5km of the site through a newsletter;
- advertised in the Gunning Lions Newsletter;
- held one-on-one meetings with residents on request within Collector village and properties closer to the site; and
- advised the CCC of the modification request.

The Commission considers this level of consultation adequate to satisfy the minimum consultation requirements in the Draft Wind Farm Guidelines.

However, the Commission is of the view that more could have been done to notify the community and to effectively communicate the potential impacts of the modification proposal given the degree of community concern over the original project application and communication issues related to this, as described at the public meeting. Indeed, current best practice consultation methods include direct consultation with previous objectors as well as affected neighbours, opportunities for clarification of impacts at public information sessions hosted locally by the Proponent and the provision of simple, clear and informative mapping and visual tools such as photomontages.

### Community Enhancement Fund (CEF)

Some members of the public and Council raised concern about management of the CEF (including the role of the CCC). The CEF was proposed by the Proponent in its Statement of Commitments for the original project. The Commission understands that the governance provisions for the CEF continue to be the subject of negotiations between the community, Council and the Proponent as provided for in the existing conditions. The Commission notes the modification has no bearing on the CEF and does not form part of this modification request.

### Definition of Non-Associated Residence

The Commission notes the existing approval contains an earlier, simpler, definition of non-associated residence. The Commission notes that a new definition has been developed for more recent wind farm approvals, which better articulates the multi-faceted aspects of negotiated agreements with associated residences. In the interests of clarity, the Commission has obtained agreement from the Proponent to update the definition in the approval for 'non-associated residence' to:

*“Any residence on privately-owned land where the landowner has not reached a financial or in kind agreement with the Applicant in relation to the development. In some cases, this agreement will be restricted. First, it may only cover certain aspects of the development (such as the noise or visual impacts). In such cases, the residence is only associated for those aspects covered by the agreement, and remains a non-associated residence for all those aspects that are not covered by the agreement. Second, while the agreement may cover a certain aspect of the development (such as noise impacts), it may limit the extent of any such impact (by setting absolute noise levels at a residence, for instance). In these cases, the residence is only associated to the extent that the impact is covered by the agreement, and is considered to be non-associated for any impacts that exceed the limits specified in the agreement.”*

## **5 COMMISSION'S FINDINGS AND DETERMINATION**

The Commission has carefully considered the Proponent's modification request and the Department's Environmental Assessment Report. The Commission heard from members of the community, the Proponent, the Department and Council during its various briefings meetings and at the public meeting held in Collector.

The Commission accepts that the modification would allow for the application of improved technology with resultant higher energy production. In reaching its determination, the Commission noted that the blade length would be increased without change to the approved maximum turbine height or to the approved turbine layout.

The Commission supports updating the noise conditions to be in keeping with NSW Government policy. Given that there are no non-associated residences within 2km of the site, the Commission is of the view that the noise generated by the wind farm, as modified, will have negligible additional impacts on the surrounding area. The Commission has sought to provide certainty to the community that the wind farm will comply with the updated noise condition, including requiring the 24 hour telephone line to be attended and securing the Proponent's agreement to retain a clause in the Statement of Commitments for the potential removal of non-compliant turbines from the layout.

The Commission has reviewed the earlier Determination Report for the approved wind farm, the Proponent's visual assessment, the Department's recommendation, and has viewed the site and locality from multiple vantage points to appraise the visual impacts as a result of the modification. The Commission is satisfied that any additional visual impacts as a result of the blade extension and additional overhead cabling will be minimal at non-associated residences. However, the Commission notes that more work could have been done by the Proponent in order to effectively inform and give confidence to the community about the extent of additional visual impacts from the proposed modification.

The Commission accepts that there is unlikely to be significant impact on the biodiversity values of the locality as a result of the modifications and that residual impacts will now be offset under the NSW Framework for Biodiversity Assessment (which did not apply at the time of the original approval). The Commission agrees with the Department that specific clearing limits should remain in the project approval to ensure the Proponent minimises the clearing of native vegetation. The Commission also accepts that any additional risk of bird and bat strike would be adequately managed through a Bird and Bat Adaptive Management Plan.

The Commission supports the Department's conclusion that the environmental assessment does not contain sufficient justification for any micro-siting change. In addition, the Commission has obtained the Proponent's agreement to an additional micro-siting restriction to ensure that turbine 45 does not move any closer than its nominated coordinates to Receiver FF, the nearest non-associated residence.

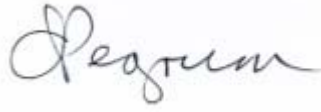
In relation to traffic, the Commission is satisfied that the changes to the road layout and site access points will improve road safety issues associated with the development. The Commission notes that Council is generally supportive of these changes. In response to Council's request, the Commission has updated condition D20 to require that the Proponent undertake the Road Dilapidation Report using a method agreed with the relevant road authority. Due to updated traffic assumptions, the Traffic Assessment Addendum identified that there would be a slight increase in traffic during the construction phase. The Commission is of the view that appropriate arrangements have been developed to manage the traffic impacts from the project as modified.

Finally, the Commission encourages the Department to address compliance with Condition C1 for the Community Consultative Committee prior to the start of construction of the project.

The Commission has determined to accept the recommendation by the Department that approval be given to this modification request, subject to amended conditions. Consequently, approval is granted subject to the revised conditions set out in the Notice of Modification.



**Ms Abigail Goldberg (Chair)**  
**Member of the Commission**

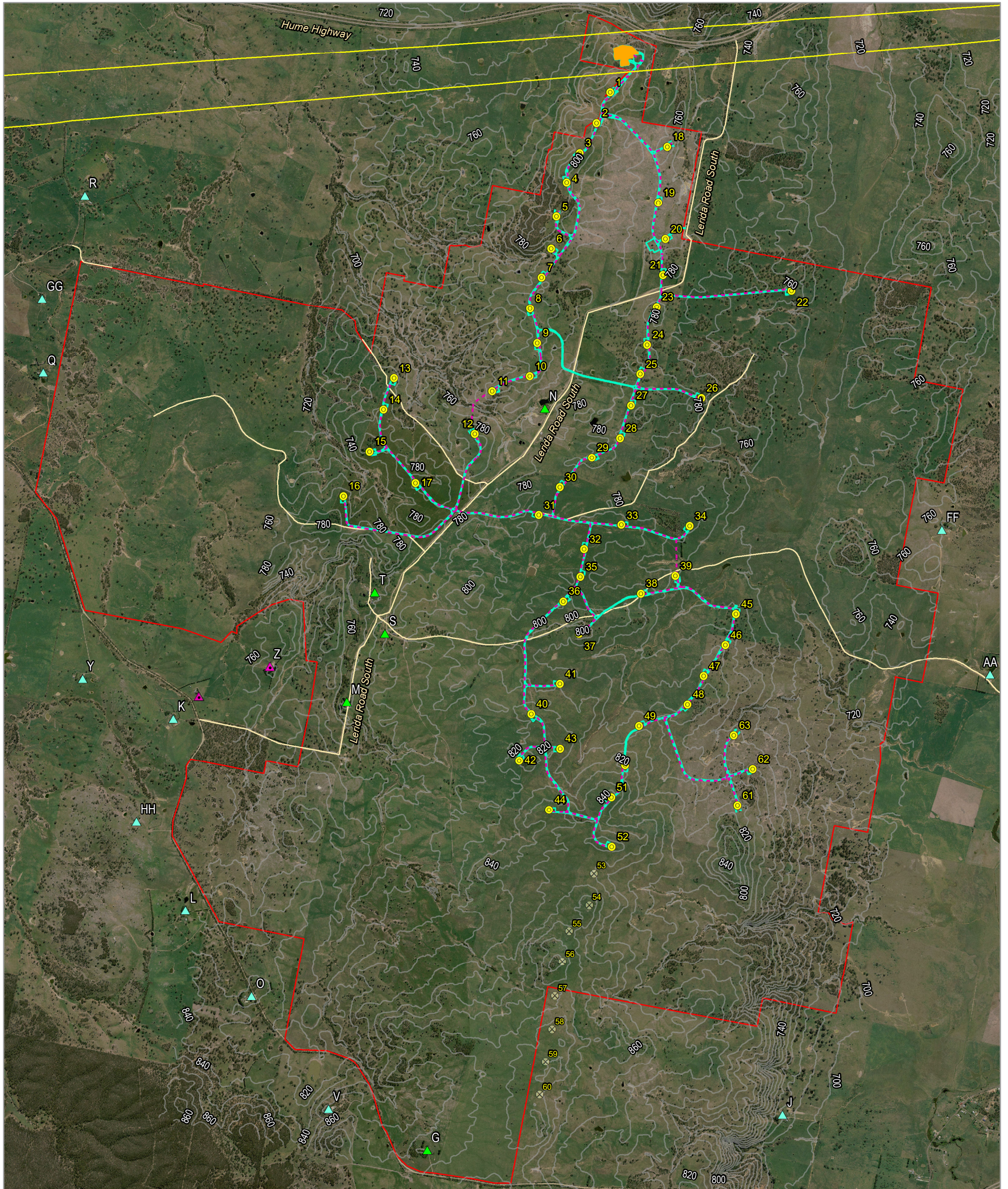


**Ms Annabelle Pegrum AM**  
**Member of the Commission**



**Mr Roger Fisher**  
**Member of the Commission**

Appendix 1  
Topographical Map



**OVERVIEW**

**Collector Wind Farm**

- Site Boundary
- Existing transmission lines
- Approved turbine locations
- ⊗ Removed turbines
- Approved Switching room/Substation
- - Modified cabling trench
- Modified road layout
- Existing roads
- ▲ Residences Involved
- ▲ Residences Non involved
- ▲ Neighbour Access Agreement
- Contours

0 0.5 1 Kilometres

A3 @ 1:35000  
 Ref: 5541 050716  
 Author: JB

**ngh environmental**

www.nghenvironmental.com.au

Notes:  
 - Layout data courtesy of Ratch, received July 2015  
 - Aerial imagery courtesy of Ratch, received 2010

## Appendix 2 Records of Commission Meetings

### Notes of Briefing from the Department of Planning and Environment – 23 June 2016

<b>Meeting note taken by:</b> Jade Hoskins	<b>Date:</b> Thursday, 23 June 2016	<b>Time:</b> 11am
<b>Project:</b> Collector Wind Farm Mod 1		
<b>Meeting place:</b> Planning Assessment Commission Office		
<p><b>Attendees:</b></p> <p>Members of the Commission: Abigail Goldberg (Chair), Annabelle Pegrum AM and Roger Fisher</p> <p>Commission Secretariat: David Mooney – Team Leader and Jade Hoskins – Senior Planning Officer</p> <p>The Department of Planning and Environment (the Department): Mike Young – Director, Resource Assessments and Nicole Brewer – Team Leader, Resource Assessments</p>		
<b>The purpose of the meeting:</b> For the Department to brief the Commission on the project.		
<p>The Department noted the following matters:</p> <ul style="list-style-type: none"> <li>• During the exhibition period (29 October 2015 – 13 November 2015), some submissions raised concern that hard copies of the Environmental Assessment Report (EAR) were only available in Crookwell and Gunning. In response, the Department made a hard copy of the documents available in Collector and extended the submissions period to 20 November 2015.</li> <li>• Some submissions raised concerns about how the Community Enhancement Fund is managed, as well as concerns regarding the role, governance and performance of the Community Consultative Committee (CCC), including its role in overseeing the Fund.</li> <li>• The chair and members of the CCC were not appointed by the Secretary of the Department of Planning and Environment (as required in the 2011 Draft Guidelines). The Department noted that Draft CCC guidelines for State Significant Development were currently being developed. The Department indicated that the CCC could be updated to better address these guidelines.</li> <li>• The Upper Lachlan Shire Council (Council) officers proposed a series of requirements on road and traffic aspects of the proposal, which have generally been accepted by the Proponent. Council has however raised an objection that the project is inconsistent with its Development Control Plan, without nominating in what way.</li> <li>• The traffic assessment in the EAR concludes that there would be a minor (3 percent) increase in the traffic and transport impacts in the modified proposal compared to that considered in the original assessment.</li> </ul> <p>The Commission queried the following matters:</p> <ul style="list-style-type: none"> <li>• <i>Definition of truck:</i> Different terminology (trucks, construction trucks and heavy vehicles) is used in the Department’s report in relation to the controls to be placed on vehicular traffic. The Department</li> </ul>		

indicated that the definition of heavy vehicles, as referred to in the Department's report and the proposed project approval, applies only to heavy vehicles as set out in the *Heavy Vehicle National Law (NSW) 2016*. The Department indicated that over-load vehicles involved in construction would be subject to specific additional requirements as imposed by Roads and Maritime Services(RMS).

- *Updated conditions:* Conditions A8D, A8E, A8F, A8G and A8H have been contemporised to be consistent with other recent approvals of wind farms.
- *Bird and Bat AMP:* An earlier draft of the Bird and Bat Adaptive Management Plan (BBAMP) was attached to the EAR. The Department advised that the Office of Environment and Heritage (OEH) are satisfied with the more recent December 2014 draft of the BBAMP and do not see obstacles to the finalisation of an agreed Plan.
- *Cullerin escarpment:* The ecological value of the Cullerin escarpment is of concern to the community, particularly in relation to visual impact and land clearing.

**Documents:** N/A

**Meeting closed:** 12pm



**Notes of Briefing from Ratch Australia Corporation Limited (the Proponent) – 23 June 2016**

<b>Meeting note taken by:</b> Jade Hoskins	<b>Date:</b> Thursday, 23 June 2016	<b>Time:</b> 12pm
<b>Project:</b> Collector Wind Farm Mod 1		
<b>Meeting place:</b> Planning Assessment Commission Office		
<p><b>Attendees:</b></p> <p>Members of the Commission: Abigail Goldberg (Chair), Annabelle Pegrum AM and Roger Fisher</p> <p>Commission Secretariat: David Mooney – Team Leader and Jade Hoskins – Senior Planning Officer</p> <p>The Proponent: Neil Weston – Development Manager, Anthony Yeates – Executive General Manager Business Development and Thomas Mitchell – Senior Legal Counsel</p>		
<b>The purpose of the meeting:</b> For the Proponent to brief the Commission on the proposal.		
<p>The Proponent noted that:</p> <ul style="list-style-type: none"> <li>• The site is currently private farmland, largely used for livestock grazing.</li> <li>• Amending conditions E6 and E7 to raise the maximum noise criteria to the higher of 35dB(a) or the existing background noise level plus 5dB(a) would be consistent with NSW guidelines and SA requirements. Additional noise monitoring has been undertaken and it would be challenging for the wind farm with large diameter turbines to demonstrate compliance at all times with the existing noise limit of 35dB(a). Noise levels will be less than background plus 5dB(a) at all non-associated locations and all wind speeds in accordance with the Draft Guidelines.</li> <li>• There are some areas of Box Gum Woodland (an Endangered Ecological Community) on site. The fixed credits and area limits specified in condition B7 do not provide flexibility for changes arising from final project design.</li> <li>• The site road and cable layout has been revised to minimise the use of public roads. The portion of Lerida Road South used during the construction of the project will be upgraded.</li> <li>• Improvements in wind farm technology include the use of longer blades to increase generation efficiency and electricity production. The visual assessment in the EA concludes that there would be no substantive additional visual impacts.</li> </ul> <p>The Commission queried the following matters:</p> <ul style="list-style-type: none"> <li>• <i>Screening of the substation:</i> The Proponent noted that screening has not yet been addressed but will be part of the future design stages. It is assessed that the substation will not be visible from surrounding residences, but will be visible from the Hume Highway.</li> <li>• <i>Concrete batching:</i> No concrete batching will be undertaken on the site. During the construction period, trucks will transport concrete from Goulburn.</li> <li>• <i>Detailed topographical maps:</i> These maps have not been provided in the EAR but will be submitted to the Commission.</li> </ul>		

- *Whether it was likely that turbine numbers would be reduced to accommodate the extended blade length and all conditioned requirements:* It is not anticipated that there will be fewer turbines at Collector with additional blade length and (the Proponent) will be able to meet all other conditioned requirements with the longer blade length.
- *Status of the CCC:* the CCC has been meeting since August 2011 and is functioning well.
- *Extent of community consultation:* the community was advised of the MOD via:
  - Newsletters delivered to homes;
  - The CCC;
  - Documents posted on the Ratch website.
- *The level of community feedback to Ratch through the MOD process.*

**Documents:** PowerPoint presentation

**Meeting closed: 1pm**

**Notes of Meeting with Upper Lachlan Shire Council (Council) – 28 June 2016**

<b>Meeting note taken by:</b> David Mooney	<b>Date:</b> Tuesday, 28 June 2016	<b>Time:</b> 11am
<b>Project:</b> Collector Wind Farm Mod 1		
<b>Meeting place:</b> Council Chambers, 44 Spring St, Crookwell		
<p><b>Attendees:</b></p> <p>Members of the Commission:          Abigail Goldberg (Chair), Annabelle Pegrum AM and Roger Fisher</p> <p>Commission Secretariat:          David Mooney – Team Leader and Jade Hoskins – Senior Planning Officer</p> <p>Council:          John Shaw – Mayor, John Bell - General Manager, Tina Dodson - Director of Planning and Phillip Newham - Director of Works</p>		
<p><b>The purpose of the meeting:</b> For Council to express their views on the Department’s Environmental Assessment Report</p>		
<p>Council noted that:</p> <ul style="list-style-type: none"> <li>• The Department’s recommended approval conditions are generally satisfactory and that extensive negotiations with the Proponent have been undertaken regarding the extent of usage/upgrades to Lerida Road South.</li> <li>• Collector Road and Mark Tree Road are not suited to construction traffic and are prohibited for that use by the existing approval conditions.</li> <li>• Proposed approval conditions that permit construction traffic, including heavy vehicles, to travel through Collector represent a traffic and safety hazard and should be prohibited.</li> <li>• Approval conditions should require wind farm vehicles to be marked on the side of the vehicles (and the markings audited) to allow the community to assist in compliance monitoring.</li> <li>• Right turn prohibition onto the Hume Highway and subsequent haul route via Gunning fly-off is an RMS requirement.</li> <li>• Approval condition for the road dilapidation report should require a joint physical inspection by the Proponent and Council as the automated ‘asset maintenance’ style inspection systems (laser and/or gypsy car) do not adequately identify road defects or capture road deterioration.</li> <li>• Council has reached agreement with the CCC about sharing arrangements for the community enhancement fund (i.e. investing 80/20 with Council’s Community Enhancement Fund and a separate investment fund, “Greater Good”).</li> <li>• Notwithstanding, Council believes that funds for local community benefit are best administered by Council, who are authorised to manage funds within the terms of the Local Government Act; and who are audited internally and externally in this regard.</li> <li>• Condition C2 should be amended to clarify governance of the Fund with reference to the Local Government Act, rather than the group of Acts currently included in the recommended conditions.</li> </ul>		

The Commission queried the following matters:

- *Council's objection to the project referencing Council's DCP:* Council's DCP sets out Council's governance model for the community enhancement fund and the proposed sharing arrangements do not comply with the DCP. The DCP also requires a 2km setback for non-associated dwellings from turbines.
- *Council's perception of the adequacy of the community consultation undertaken by the Proponent:* Council's opinion is that community consultation has been adequate, and noted particular circumstances that may have precluded the initial exhibition of the EA material in Collector.

**Documents:** N/A

**Meeting closed: 12pm**

## Appendix 3 List of Speakers

### **PLANNING ASSESSMENT COMMISSION MEETING COLLECTOR WIND FARM MOD 1**

Date & Time: Wednesday 29 June 2016, 9pm

Place: Collector Memorial Hall, Collector

#### **List of Speakers**

1. Shane Mortimer
2. Frank Ross on behalf of Collector & Districts Historical Association
3. Frank Ross
4. Rodd Pahl on behalf of Friends of Collector
5. Rodd Pahl on behalf of Linda Pahl
6. James McKay
7. Andrew Bray on behalf of Australian Wind Alliance
8. Justin Mooney
9. Douglas Bucknell on behalf of Association for Research of Renewable Energy Australia
10. Douglas Bucknell
11. Richard Stacy
12. Barbara Bryan
13. Brooke Bryan
14. Malcolm Barlaw on behalf of Crookwell District Landscape Guardians
15. Charlie Prell
16. Gary Poile

## Appendix 4

### Summary of issues presented at the public meeting

**The following issues both for and against the modification were raised. The issues are summarised as a record of the meeting but are not presented in any order of priority:**

#### Visual Impacts

- The Commission should consider the cumulative impacts of all wind farms in the area on visual amenity.
- The proliferation of wind farms in the area represents the industrialisation of an essentially rural landscape.
- The proposed blade extension will result in increased visual impacts from the wind farm.
- The swept area of the blade increases substantially.
- Mapping and photomontages provided are inadequate.
- Impacts on the Cullerin Escarpment have not been properly considered.
- Wind turbines are part of a contemporary rural landscape.

#### Noise

- The modifications will increase the amount of noise produced by the wind turbines.
- The Proponent is seeking to replace conditions that provided the community with certainty about noise limits with new conditions that allow for uncertain noise levels.
- The increase in noise will be negligible.
- The background noise is unquantified and unreliable.
- Issues regarding wind farm noise assessment and compliance have been raised in the Senate.
- There should be someone to call when the wind turbines wake people up.
- Noise from the wind farm will cause sleep deprivation.
- The complaints mechanism is unclear and inadequate.
- The Proponent should continue to be required to remove any non-compliant turbines.

#### Biodiversity

- The proposed blade extension will increase bird and bat strike.
- Other wind farms have shown major increases in high flying bird kills.
- The biodiversity offset package is inadequate.
- The biodiversity package has been approved by OEH.
- The offsets will not increase the amount of undisturbed eco-systems.
- The time lag between the destruction of habitat and new growth will have detrimental consequences for biodiversity.
- The future of new plantings is uncertain.
- The project will impact on vegetation. Clearing should be minimised.
- The layout of the project and micro-siting should not change.

#### Construction and Operation of the Wind Farm

- There is uncertainty as to when the project will commence construction and operation.
- The approval should be activated by 2018.
- There should be a time limit placed on any wind farm approvals.
- The proposed modifications will generate renewable energy.
- The increase in blade diameter will provide extra power for 1200 homes.
- The spacing between turbines should be specified to reflect the manufacturer's recommendations.
- If spacing can't be achieved to specification turbine numbers should be reduced.

### Traffic and Roads

- The roads accessing the project will be upgraded.
- The project will result in a large number of heavy vehicles utilising the local road network for 18 months.
- All residences adjacent to the access road should have sealed entrances.
- Reducing the number of access points along Lerida Road South increases road safety.

### Economics

- Property values will be adversely impacted by the project.
- The wind farm will generate employment.
- The wind farm is important to business locally and in Goulburn.
- The Proponent should utilise local businesses during construction and operation.
- Australian companies don't benefit from the wind farm construction.
- The wind farm will result in economic benefits for the local economy.
- The cost to the community and on village heritage values has not been considered.
- Coal power stations will not stop functioning just because the wind farm commences operation.
- Communities need to be 'weaned-off' fossil fuels, climate change is here.
- The Proponent's lack of success in recent ACT wind auctions raises doubts about the viability of the project and whether it will ever be built.
- The wind farm developer will receive subsidies.

### Community Consultation, the Community Consultative Committee (CCC) and the Community Enhancement Fund (CEF)

- Community consultation has been inadequate.
- The Proponent has not engaged in good faith with the community.
- The CEF is irrelevant to this modification request.
- Collector won't benefit from the CEF which will be spent elsewhere in the Shire.
- The CEF is good for the community.
- Council is not and should not be the entity for the CEF.
- The CCC operates in accordance with the existing conditions.
- Council does not attend the CCC meetings.
- The CCC should oversee the spending of the CEF.
- The CCC rarely engages with the Collector community and is not representative. There has been one open meeting in four years.
- Consultation on the modification was inadequate and people did not have adequate access to documentation.
- Documentation in the assessment is unreliable with many errors and is poorly presented.

### Other

- The process for handling Modifications is inadequate and reduces community confidence in the planning system.
- The topographical maps submitted with the request do not contain enough detail to determine the location of each wind turbine.
- The Department's report does not provide sufficient information on the impacts of the modifications.
- The wind farm does not have the permission of the indigenous Allodial Title holders to proceed.
- The wind farm is not in the public interest or of benefit to Collector.

- The wind farm will impact on the historical amenity and landscape heritage of Collector.
- There has been inadequate assessment of the impact on local heritage matters.
- The wind farm is out of character with the area.
- Spacing between the turbines should reflect manufacturer's recommendations.
- Some people who support the wind farm have not registered to speak.
- The time of the public meeting was inconvenient for people that work during the day.
- There is more demand for solar power than wind power.
- There is no demand for wind power.
- Wind power contributes to the greenhouse challenge.
- Council has not specified how the development does not comply with its Development Control Plan.
- A survey indicated that 80 - 90% of Collector residents object to the wind farm.
- The survey was selective and does not include people supporting the wind farm.
- A survey indicated that 73% people in NSW support wind farms and 81% of Australians support wind farms.
- The modification request is minor and appropriate.
- The history of collector includes a windmill on Mill Hill (1847 – 1902). The mill turned local grain into flour and was the biggest industry in Collector's history.
- Wind farming is a contemporary reflection of Collector's heritage as a productive landscape.