

Planning Assessment Commission Meeting Boorowa 30 March 2017

Rye Park Wind Farm

Response to Department of Planning and Environment Assessment Report

I am the co-owner of R50, in the intermediate group, purchased without knowledge of the proposed wind farm, as were our 4 neighbours, including a potential host. At the outset I would like to say that I am generally pleased with the determination of the Department of Planning and thank the various members of the Department for their efforts in acknowledging and investigating the concerns of the wind farm community.

With regard to the conditions surrounding the construction of the wind farm I would like to make the following comments:

I would like to request that a commencement date for construction be determined by the PAC no longer than 12 months from the date of recommendations. You would appreciate that the lengthy process to get to this point has had significant impact on the community and therefore the timely commencement of construction would alleviate further stress and uncertainty across the wind farm community.

Regarding schedule 2

2.5 Approved precincts I support the consent that removed turbines from the north-western and intermediate precincts, but would like to see the removal of further turbines across the wind farm, including the remaining 15 identified in the

2.6 Wind turbines with the upgrade that allows of turbines I would prefer to see consultation with the community with regard to potential noise impact. of newer/bigger models.

2.8 Micro-siting

I would like to see limits applied to the micro-siting of ancillary infrastructure to 100 m, so that neighbouring properties are not negatively impacted upon by the unmapped changes to infrastructure. This could potentially be a planned access road that was 120m from the door and removed by the proponent could be reinstalled.

b) I do not agree with the suggested micro-siting of turbines allowed to be more moved up to 250 m, which creates a potential corridor for turbines of up to 500 m. This means that turbines could be 250 m closer to residents compared to the Trustpower plan.

At community consultation committee meetings August 2015 and February 2016 representative from Trustpower indicated that the company would be seeking to micro-site up to 100 m. Therefore do not agree with the departments suggestion that micro-siting may occur up to 250 m from the turbine. Copies are available for you.

How will micro-siting be monitored to ensure impacts on high conservation of vegetation is in place?

2.10 Final Layout Plans

We were offered double the neighbour visual agreement which we rejected. So our concerns are not related to money.

Will the secretary review the plans to ensure the alternate micro-siting does not increase impact on a non-resident property? A copy of the final layout plans should be submitted to the Community Consultative Committee.

This community has already ^{comment on} done a lot of hard work to challenge the original ~~2014~~ application and then ~~second~~ application to the Department of planning to assist them in their decision-making regarding issues regarding the turbines, roads and infrastructure on the wind farm.

2.14 Protection of Public Infrastructure

In regard to the ^{the} repair or payment of costs for the repair the public infrastructure, ⁱⁿ a timeframe should be applied.

Schedule 3

3.1 Acquisition upon Request

14 turbines impact on R38, which has the option to request acquisition. If the number of turbines is going to negatively impact the residence of R38 such that they can no longer live there and require acquisition, the 14 turbines in question ought to be removed from the plan, so as not to disrupt the lifestyle of the residents of R38.

3.2 Visual Agreement

Why is R56 able to determine whether turbine 145 goes ahead or not, when no other resident given the same opportunity? If there is doubt over the turbine it should be removed from the plan.

3.3 Visual Impact Mitigation

~~I note that visual impact is not subjective.~~

Regarding provision of visual impact mitigation measures, I have a number of queries regarding the conditions.

Paragraph 1 ^{starts} "Visual mitigation measures must be requested by the owner of non-associated residence for a period of five years from the commencement of construction".

Does this mean the construction of the first turbine ^{from the start of} in the wind farm ^{or} in regard to the construction of the turbines that cause the need for the visual impact mitigation measures? Please clarify. *This needs to be clarified.*

Paragraph 2 - the Applicant must implement appropriate mitigation measures - it should be stipulated that this includes soil preparation, planting, weeding, stock fencing and watering of landscaping and vegetation screening for the period of the wind farm as well as the provision of water for any plants used in this way. ^{The} landowner should not be out of pocket energy or time regarding these visual mitigation measures as they would not be necessary if the turbines were not in place.

The applicant must take into consideration short growing period in the region which will lengthen the time required for screening trees to reach their full potential.

* I would argue that curtilage in a regional/rural situation is different to that in the city, where recreational activities ^{may} take place across a property rather than in the immediate

Proximity of the house. This often compensates for the distance needed to travel off-farm to public facilities providing the same recreation.

Therefore I would argue that for some residences, visual ^{impact} mitigation screening should be included beyond the immediate residence alone.

The note attached to this condition which suggests that owners delay their choice of screening mitigation would also delay plant growth, *unless advanced trees are used.*

In this area of increasing tree changers, recreational areas of the land parcel may be a short distance from the residence, but not in the immediate vicinity. These areas include horse-riding arenas and trails, mountain and motor bike paths, camping and swimming spots. Visual screening mitigation should be applied to these areas as well as the residence.

Schedule 4

4.2 Land Acquisition

(a) the Applicant must make a binding written offer "on the current market value of the owners... land... as if the land was unaffected by the development". This implies that the market value will be impacted by the development once it goes ahead. Acknowledgement of this should be made public by the Department.

Schedule 5

5.3 Community Consultative Committee

I do not believe that the applicant should be responsible for the establishment of the community consultative committee. I believe they should have place on the committee however an independent chairperson ought to be overseeing the committee, should include both ~~hosts~~ and ~~non-involved~~ residents, and members of the Department of Planning who should report regularly on ~~Wind Farm~~ developments especially during the ~~construction~~ phase.

General

If the applicant does not apply with the conditions what will be the penalty, who will apply, and how do we know that penalty has been paid or served?

It is disappointing that members of the public are only given five minutes to address another weighty document, with only three weeks notice, having waited six months for it to become available.

In conclusion, *my previous*
Along with ~~the above~~ comments, I would like to see the entire Wind Farm rejected, but if not, the removal of the 40 turbines recommended by the LVIA, as the minimum, as well as those impacting *R38 + R56*.
My opposition to this development is guided by the advice + expense of my late uncle.
I thank you for your consideration of my late uncle's

This development does not simply impact the people of Rye Park. The project is 35km long, so the impact stretches far further than the Rye Park village.

The lack of response from the people of Beorowa indicate the lack of awareness of the Wind Farm in the Beorowa township.

Subject: Rye Park Community Consultative Committee Meeting

Meeting Date: Wednesday 26th August 2015, 7pm.

Location: Yass Soldiers Memorial Hall

Present:

Nick Carmody (Chair); James Wheelwright (Upper Lachlan Shire Council); Michael Head (Trustpower); Nicola Foran (Trustpower); Chris Mackenzie-Davey (Office of Environment and Heritage); Greg Medway; Graeme Privet; Bert Barrass; Jim Field; Andrew Field.

Apologies:

Jayne Apps, Malcolm Day; Chris & Jenny Halley; (Note no representatives from Yass or Boorowa Councils).

Administration:

Minutes of last meeting (30 September 2014) at Rye Park Hall were tabled.

Chris and Jenny Halley have requested to no longer be members of the CCC. Three observers present, Chris Mackenzie Davey, Andrew Field, Jim Field.

Meeting Discussions and Notes:

Introductions and background to Trustpower given.

Project update: Trustpower took over in December 2014, and are now the official proponent of the Rye Park Wind Farm.

A number of changes have been made to the wind farm layout, including the removal of 17 turbines. This was done for environmental and noise management reasons. There are now 109 wind turbines. A new 132 kV transmission line has been introduced, which would allow the wind farm to be built in two stages.

The applications will be re-submitted at the end of October and will go back out for public exhibition.

Trustpower are undertaking community engagement, including meeting with landowners within 2-3km of the wind farm, hosting a community information day (date tbc), and re-invigorating the CCC.



There is an 1800 number that people can ring and leave a message, and Trustpower staff will call them back. We are keeping records of all community engagement in a consultation management data base.

Q: Turbine locations, and which were removed?

Approximately 25 dwellings within 2km. "There will be dwellings within 2km"

Q: was the 2km buffer set on a 1.5MW turbine?

No, set on the presence of the tower, regardless of the size of the turbine. Discussion on the 2km ' buffer/setback, and the lack of scientific data to justify it. There is a 2km requirement in NSW Draft Guidelines – not ratified. Noted that the Victorian government has just removed the requirement to have agreement with neighboring landowners within 2km of a turbine.

Maps with dwellings within 2km, All dwellings will be noise compliant.

Q: How close to we propose with put a turbine to a house?

Approximately 1.5 km between a turbine and a non-involved dwelling.

Q: How close is the closest turbine to an involved dwelling?

Approximately 1.2km

Q: Will we be lodging the application with all landowner agreements?

Yes, all involved landowners have signed, including for access roads, transmission lines and substations.

Trustpower will be selective in which turbines are built first if it is built in stages. We will need to secure power purchase agreements first. Other factors influencing this include potential federal government changes, and RET changes.

Micro siting: concerns that ability to micro site may be removed from the approval. Trustpower have 'ground trothed location; nut may have to micro site around 50-100m come construction.

but

Q: Location to School? Existing operational wind farm in close proximity to a school?

Not a Trustpower wind farm, but Taralga is located within a couple kilometers of the local primary school.

Studies? 1.5MW, health studies / noise studies, set backs to schools.

Maximum tip height 157m



Noise modeling done on a V112 representative 'noisy' turbine, a conservative / worst case scenario approach is taken to doing the noise modelling. The wind farm needs to be noise compliant with all non-involved dwellings.

Q: Independence of experts? All independent, and have to uphold their professional integrity, and abide by their professional institutes code of ethics.

Q: Cost of compliance monitoring? Ultimately Trustpower foots the bill for compliance monitoring. Noise compliance and complaints process.

Traffic Movements:

Reduced the roads needed for heavy haulage / over dimensional loads.

Agreement in principal with the three councils over which roads will be used, upgrading requirements and maintenance etc.

Loads will likely come from Port Kembla, and go through Boorowa and then either left or right at Rye Park.

Concrete plant at Coolalie Road, and one in the north and center of the wind farm (being determined now).

Still to confirm a source of water, but will be construction contractors task to do.

Construction timeframe of around 2 years.

Will be speed limits imposed on construction traffic. Restrictions on times for over dimensional truck movements. No over dimensional loads during school bus hours for example.

Decommissioning:

All above ground infrastructure will be removed at Trustpower's cost. This requirement is built into the Development Approval. Concrete foundations will remain in place, and likely top soiled and grassed over. Volume of concrete slabs? Around 15 x 15 x 3 m in dimensions (depending on site specific conditions).

Efficiencies of wind farms.

Commissioning new turbines at the end of wind farm life vs. removing the infrastructure.

Community Enhancement Fund:

Approximately \$280k will be paid annually into the fund. Available to be spend on any community project within a 10km radius of the wind farm.

Neighboring Benefits Scheme being offered to owners of existing dwellings within 2km of a turbine. This will be for \$2500 annually. Landowner decides whether to accept or not, and if does not accept, then that money goes back into the Community Enhancement Fund.

The scheme is voluntary, Trustpower does not need neighbor's agreements for planning applications.

JW: noted that it was commendable the Trustpower are offering this to the neighbors, but felt the funds should not be taken from the C.E.F.



Better together.

Trustpower Limited

Q: shouldn't the fund be paid per turbine per dwelling. (ie a dwelling should be paid per the number of turbines).

CMD: Supports the Neighboring Benefits Scheme but recognizes that it is not the perfect model.

Property value discussion.

Trustpower to type up minutes and circulate.

Trustpower to prepare agenda for next meeting.

Next meeting scheduled for Wednesday 30 September at 7pm.

Meeting closed 8.50pm.

Rye Park Wind Farm – Community Consultative Meeting.

Agenda – 14th October 2015 7.00pm.

'Kitchen Room' Yass Memorial Hall

1. Apologies.
2. Minutes from last meeting.
3. Introduction of Graeme Purches – Community Relations Manager, Trustpower New Zealand.
4. Matters Arising.
5. Project Update – Michael Head, Wind Development Officer, Trustpower Australia.
6. Graeme Purches will give a brief presentation on how Trustpower works with Communities in NZ.
Questions welcomed.
7. Road Usage Map update – Michael Head.
8. General Business
9. Next Meeting.

**Minutes of the Community Consultation Committee (CCC)
Meeting No. 11 held at Yass Soldiers' Memorial Hall Annexe,
Wednesday 17 February 2016**

Present

CCC Members: Nic Carmody (Chair), Graham Privett, Andrew Field, Sara Brown, Christine Hawkins, Cr James Wheelwright, Jayne Apps

Proponent: Michael Head

Observers: Bert Barrass, Peter Crisp, Matthew Smith, Rod Gibson, Fiona Gorman, Ros Gibson, Mark Fleming (OEH), Mike Inkster, John McGrath, David Sainsbury, Mike Young (Director Resource Assessments DP&E), Diana Charteris (Senior Planning Officer DP&E), Rose-Anne Hawkeswood (Planning Officer DP&E), Andrew Bray (AWA) and Shirree Garland (minutes).

1. Welcome/Apologies

The meeting opened at 7.10 pm

Apologies were received from Malcolm Day, Greg Medway and Graham Purches.

2. Declaration of Pecuniary or other Interests

Nil

3. Introduction of Guests and New Attendees

The Chair, Nic Carmody, Mike Young (Director Resource Assessments DP&E), Diana Charteris (Senior Planning Officer DP&E), Rose-Anne Hawkeswood (Planning Officer DP&E) from the Department of Planning & Environment and Mark Fleming from OEH to the meeting.

4. Confirmation of Minutes

Sara Brown provided the following amendments to the minutes:

It was noted that a copy of the October minutes were yet to be forwarded to Committee members.

The minutes of the meeting held on 9 December 2015 were adopted with the inclusion of the above amendments.

ACTION: *Nic Carmody to forward copy of October 2015 minutes to Committee members.*

5. Actions arising from previous minutes

5.1 Estimate of the Number of Houses within 5km

Michael Head advised that there would be approximately 180 houses located within 5km of the wind farm.

5.2 Proponents or Developers?

Michael Head advised that Trust Power were the proponents.

5.3 Light Vehicles and Light Traffic Routes



Michael Head provided updated maps identifying both routes for light vehicles and light traffic to Committee members. 'Light vehicles' includes everything under 4 ½ tonne.

ACTION: *Committee members to advise Chairman if electronic version of maps are required.
Chairman to arrange for distribution.*

5.4 Website Information

Jayne Apps asked whether any of the Councils had included information links on their respective websites.

ACTION: *Chair to contact Yass and Boorowa Councils to request links be included on their websites.
Cr James Wheelwright to arrange with Upper Lachlan Council.*

6. Rye Park Wind Farm project update – Michael Head

Michael Head advised that the most significant update was that Wargeila Road had been removed from maps as it had been decided to remove focus on 330kV line route. This is due to a few issues including timing and easement arrangements, also other matters that are considered Commercial in Confidence. Michael advised that there would now be 109 turbines.

Michael advised that it was likely that Trust Power would seek a variation to remove this transmission line from the project. Consultants will be required to rewrite reports.

Confirmation was provided that Wargeila Road would not be used for any construction traffic.

6.1 Community Benefit Fund

Michael advised that there would be three separate community funds set up, one in each Council area as Section 355 Committees. Consultation has commenced with Councils. It is proposed that \$2,500 per turbine + CPI (from 2010) would be paid annually. If insufficient applications for funding were not received, within the specified radius, applications will then be received from within the current LGA boundaries.

Agreement has been reached with councils that not less than 20% will be allocated to a disadvantaged Education Fund.

6.2 Final Location of Turbines

Discussion was held on the final location of turbines. Michael advised that the turbine manufacturer would have the final say in relation to locations. Turbine numbers will then be identified for specific council areas. Michael advised that turbines will not be selected until approval of the DA. Michael re-enforced that the turbine supplier will be obliged to meet certain turbine production targets and noise compliance regulations.

Tenders will be called for the turbines, with up to ten companies possibly having site inspections etc. Michael advised tenders would not be called for until the Secretary has given approval and all Appeals have been exhausted.

Trust Power will be seeking to have the ability to micro-site up to 100m. To minimise micro-siting during construction, the most likely sites have been determined.

6.3 CO Emissions

Andrew Field asked whether there was a minimal target in relation to the clearing of land and CO₂ emissions. Mike Young advised that CO₂ emissions had not been looked at for individual renewable energy projects, however, he believed that the greenhouse gas emitted as a result of clearing is likely to be low in terms of the order of magnitude of savings from renewable energy projects.

6.4 Noise Monitoring

Michael Head advised that noise monitoring would be undertaken on site, pre-construction, for a minimum period of 6 weeks, over all wind conditions and directions.

Mike Young advised that a range of options for turbine models could be in the DA, as long as the DA demonstrates that all turbine models would be compliant with the relevant noise criteria at non-associated residences. Mike confirmed that if approved, a condition of the project approval would require compliance monitoring to be undertaken at representative non-associated residences post project commissioning to ensure that the Company demonstrates that they meet the relevant noise criteria.

Michael Head advised that the use 157 high turbines, sitting 700 metres above sea level, was determined primarily due to the terrain and the turbulence

6.5 Roads

Michael Head advised that they would be discussing acceptable road usage, number of traffic movements and road conditions with councils.

Concern was raised regarding Cooks Hill Road, the huge impact on the road from another commercial operator, and also that the road had several blind spots. Michael advised that negotiations were in progress regarding road upgrades etc. Surveyors were currently looking at roads, culverts and bridges.

ACTION: *Updated transport maps, including all roads to be provided.*

Jayne Apps raised concern regarding the corner of Dillon & Long Streets and the adjacent retirement village. Michael advised that they were currently working with Council in relation to this issue.

7. Department of Planning and Environment Representatives

Mike Young advised that he was present to clarify the planning process. Mike advised that he is currently heading up a team of technical professionals to assess major development in NSW, including renewable energy and mining projects. He recognises the community's need for clarity in the planning process.

Mike provided a summary of the planning process.

- The exhibition of the original DA was two years ago.
- The formal process is that a response to submissions is prepared by the proponent following exhibition of the DA and submitted to the Department for assessment.
- The response to submissions is expected to be received by the Department around the end of March, including a revised Environmental Impact Statement (EIS).
- The revised DA will then go on public exhibition.
(The need for submissions to be put in was reinforced to ensure that all concerns are officially considered, although previous submissions on the project would be considered by the Department in its assessment).
- The exhibition period of the revised DA will be for a period of at least 30 days. There is no statutory requirement for the DA to be put back on formal exhibition. The statutory requirement for exhibition of the Environmental Impact Statement (EIS) is a minimum period of 30 days.
- The Department recognises that the DA documentation can be confusing and difficult to understand. The Department will hold a public information session while the revised DA is on exhibition, providing a further opportunity for concerns to be raised.

The question was asked as to whether it would be possible to extend the exhibition period to enable a reasonable amount of time for documentation to be reviewed. Mike Young advised that the Department may consider a longer period, however, it is likely to be 30 days. Michael Head advised that Trust Power would provide a reasonable amount of 'hard copies' of the EIS.

Mike advised that it was the Department's role to undertake a thorough assessment of the project, which includes undertaking due diligence, engaging independent experts and visiting the project site.

The Department ensures the community is aware of what is happening by engaging with the community which may include holding a public information session.

Mike advised that the requirements of the statutory assessment process is separate to the Department's guidelines. The Government recognises that the draft Guidelines could be improved. The Department is now in the process of developing new guidelines for State significant projects. These guidelines will provide improved guidance on the planning process, even though a lot of the technical aspects will remain the same.

Updated Community Consultative Committee Guidelines will be available on the Department's website shortly.

ACTION: *Any specific questions for Mike Young to be provided to the Chair to collate and forward through to the Department. Mike will endeavour to provide a written response to the next meeting.*

Mike Inkster raised the issue of noise and the health impacts of the turbines. Mike Young advised that the Commonwealth have prepared documentation based on literary reviews. It was suggested that any issues regarding health impacts be raised with the Commonwealth Government.

Mike advised that the greenhouse gas emitted as a result of clearing is likely to be low in terms of the order of magnitude of savings from renewable energy projects. He will, however, look into CO₂ emissions when removing trees.

7.1 Planning Assessment Commission

Mike advised that the Planning Assessment Commission (PAC), independent decision makers, would make the final decision on the DA. The PAC consists of a pool of 15 professionals, with varying backgrounds. A panel is selected to assess and determine the DA from these 15 members, based on their background and availability.

The Department will exhibit the revised DA for at least 30 days. Following exhibition, the Department will then finalise their assessment, taking into account any submissions, independent expert advice, policies and legislation. This assessment process is likely to take a couple of months. The Department's Assessment report will then be forwarded to the PAC for their consideration.

A public meeting may then be held by the PAC in the local area, providing the opportunity for concerns to be raised directly with the PAC. A notice of the public meeting would be advertised and notification would be provided to everyone that has put in a submission.

Nic thanked Mike Young for his presentation and time in attending the meeting.

8. General Business

8.1 Council representation

Sara Brown voiced disappointment that council representatives were not attending meetings and therefore not representing their community. Nic advised that there was no 'enforcement' to ensure that Councillors attended these meetings, there may be times when they have conflicting meetings.

8.2 Neighbourhood Benefit Agreement

The question was asked as to why the Neighbourhood Benefit Agreement was only per property unlike the Community Benefit Fund which is paid annually per turbine? Michael Head advised that the Neighbourhood Benefit Agreement was a voluntary agreement.

Mike Inkster advised that NSW was the only State currently undertaking Neighbour Agreements. Michael Head advised that NSW do not receive a ratable increase on the land which is why the Community Fund is there to make up additional Funding.

8.3 Screening

The issue of screening was raised, in particular when properties were partially brought for their view and also the effect on land values. Mike Young advised that the Department considers the visual impact and mitigation measures in its assessment.

8.4 Compensation for Landholders - Fire

Peter Crisp asked who would compensate the landholder in the event of fire caused by turbines. It was suggested that there be certain guarantees put in place in by the Government.

8.5 Location of Meetings

Ros Gibson asked whether meetings could be rotated to different council locations. Nic advised that it was the Committee's decision as to where meetings were held. Meetings had been to other locations but attendance had been low.

8.6 OEH

Mark Fleming advised that in relation to the CO comment, South East Forests have done some work in this area which may be applicable. Mark advised that OEH will work with the Department of Planning at public meetings to share information.

8.7 Environmental Affect

David Sainsbury advised that his main concern was about the condition of the environment, including wildlife and flora, he stated that the ground is unstable and was concerned regarding possible erosion with the removal of trees etc. He also had concerns regarding fires.

9. Next Meeting

Next meeting Wednesday 4 May

Meeting closed 9:41 pm

ACTIONS

No	Action	Meeting	Owner	Deadline	Comment
1.	Follow up with Mike from Trustpower regarding Nic's emails about appointment new committee members	3.0			
2.	Provide copy of Committee Guidelines to all Committee members	4.0	N Carmody		
3.	Previous minutes to be amended to reflect agreement/disagreement of committee members on subject of funds.	5.0	M Head		
4.	Michael to circulate previous minutes, people to provide feedback to Nic, and then Nic will edit and publish to the website before next meeting.	6.	N Carmody/ M Head		Complete
5.	Members to read Michael's draft report and come back with comments/questions next meeting	7.3	Attendees		
6.	Councils to look into adding information links on their websites to enable members of the public to find the information about the wind farm.	7.3	Councillors		
7.	Michael to bring copies of windfarm maps to the next meeting, and to send out link to booklet from exhibition	7.3	M Head		Complete
8.	Confirmation of the total number of houses within 5 km and total number of properties without houses in the same distance to be provided at next meeting by Trustpower	Trustpower			
9.	Forward copy of October 2015 minutes to Committee members	17/2/16 4.0	N Carmody		
10	Committee members to advise Chairman if electronic copies of maps required	17/2/16 5.3	N Carmody		
11	Contact Upper Lachlan, Yass & Boorowa Councils to request information links be provided on their website	17/2/16 5.3	N Carmody J Wheelwright		
12	Updated transport maps, including all roads to be provided	17/2/16 6.5	M Head		
13	Specific questions for DP&E to provided, collated and forwarded	17/2/16 7	N Carmody		

