APPENDIX 4

Supplementary Director-General's Requirements;

Interim Wind Farm Planning Policy Statement; and

EPBC Referral Request for Additional Information

Department of Planning and Environment NSW and Department of Sustainability, Environment, Water, Population and Communities

NSW GOVERNMENT | Planning & Environment

Contact: Nicole Brewer
Phone: 02 9228 6374
Email: nicole.brewer@planning.nsw.gov.au

Mr Ed Mounsey
Head of Development
CWP Renewables Pty Ltd
PO Box 1708
NEWCASTLE NSW 2300

Dear Mr Mounsey

Environmental Assessment Requirements
Bango Wind Farm (SSD 6686)

I refer to your letter requesting the Environmental Assessment Requirements (EARs) for the Bango Wind Farm, as a result of transitioning from a Part 3A to a Part 4 State Significant Development (SSD) project under the *Environmental Planning and Assessment Act 1979*.

I have attached a copy of the EARs for the preparation of an Environmental Impact Statement (EIS) for the Bango Wind Farm (see Attachment 1). The EIS should also consider the issues raised previously by government agencies.

On 7 May 2013, the Commonwealth Department of the Environment determined that the activity is a controlled action under the *Environment Protection and Biodiversity Conservation Act 1999*, and that the activity would be assessed directly by the Commonwealth using preliminary documentation.

The Department also wishes to take this opportunity to emphasise that you should consult with:

- applicable Councils as soon as possible with a view to finalising arrangements for upgrading and maintaining the local road network, and negotiating an appropriate community enhancement contribution through an accepted mechanism such as a Voluntary Planning Agreement; and
- non-associated residents in the vicinity of the wind farm that have the potential to be significantly impacted by the project with a view to implementing additional mitigation measures and/or entering into negotiated agreements with these landowners.

Please be advised that the Department may alter these requirements at any time, and that you must consult further with the Department if you do not lodge a development application and EIS for the project within the next two years.

It would be appreciated if you would contact the Department at least two weeks before you plan to submit the development application and EIS for the project. This will enable the Department to:

- confirm the applicable fee (see Division 1AA, Part 15 of the *Environmental Planning and Assessment Regulation 2000*); and
- determine the number of copies (hard-copy and CD-ROM) of the EIS required.

It is important for you to recognise that the Department will review the EIS for the project before placing it on public exhibition. If it fails to adequately address these requirements, the Department will not accept the application and you will be required to submit an amended EIS.

Yours sincerely

Michael

4.11.15

Mike Young
Director
Resource Assessments
As the Secretary's delegate

ATTACHMENT 1

Environmental Assessment Requirements

Section 78A (8A) of the *Environmental Planning and Assessment Act 1979*
Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*

Application Number	SSD 6686
Development	**Bango Wind Farm** The construction, operation and decommissioning of a wind farm with: • a maximum of 132 turbines across two potential layout options, a maximum of 326 megawatts (MW) and maximum height of 192 metres (to blade tip); and • ancillary infrastructure including access tracks, underground and overhead electricity cabling, substations and grid connection to TransGrid's 132 kV transmission line within the site.
Location	Approximately 20 km north of Yass and 20 km southeast of Boorowa within the Yass Valley and Boorowa local government areas.
Proponent	Bango Wind Farm Pty Ltd
Date of Issue	4 November 2015
General Requirements	The Environmental Impact Statement (EIS) must meet the minimum form and content requirements of Schedule 2 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) and include the following: 1. A detailed description of the development (Clause 6 of Schedule 2 to the EP&A Regulation), for both the wind farm and associated infrastructure, including: • details of construction, operation and decommissioning, including compliance with building standards and relevant codes / specifications for the construction of wind farms; • the proposed external cladding materials, underground / overhead cabling between turbines, electrical substations, meteorological monitoring masts, access roads (including internal access tracks), road / intersection upgrades, obstacle lighting; and temporary facilities such as concrete batching plants and construction compounds; • site plans and maps at an adequate scale with dimensions showing: – the location and dimensions of all project components including coordinates in latitude / longitude and maximum AHD heights of the turbines; – existing environmental features (e.g. watercourses, vegetation communities), infrastructure, land use (including nearby residences and approved residential developments or subdivisions), the number of turbines within 2 km of a dwelling or approved dwelling, and the location / siting of the development (including associated infrastructure) in the context of this existing environment; • a timeline identifying the development's proposed construction and operation components, the envisaged lifespan and arrangements for decommissioning (including the proposed funding arrangements and how agreements with associated landowners have addressed decommissioning liabilities); and • resourcing requirements (e.g. water supply and sand / gravel). 2. A summary of the EIS and a description of the strategic need, justification, objectives and outcomes (Clause 7 of Schedule 2 to the EP&A Regulation) for the wind farm and associated infrastructure, including: • a justification for the development taking into consideration the objects of the

EP&A Act, including how the principles of ecologically sustainable development would be incorporated in the design, construction and ongoing operation phases of the development;

- a strategic assessment of the need, scale, scope and location for the project including consideration of:
  - the predicted electricity demand in NSW and the National Electricity Market;
  - the Commonwealth's Renewable Energy Target Scheme;
  - the greenhouse gas benefits of the project (quantified and substantiated), taking into consideration sources of electricity that could realistically be replaced (using the NSW wind farm greenhouse gas savings tool – www.environment.nsw.gov.au/climatechange/greenhousegassavingstool);
- an analysis of feasible alternatives to the carrying out of the development, including:
  - an assessment of the environmental costs and benefits of the development relative to alternatives and the consequences of not carrying out the development, the suitability of the chosen option and whether or not the development is in the public interest;
  - an analysis of the suitability of the project with respect to potential land use conflicts with existing and future surrounding land uses (including other proposed or approved wind farms, existing or proposed electricity transmission lines, rural residential development, building entitlements and subdivision potential), land of significant scenic value, land of high agricultural value, mineral resources, forestry, conservation areas and Crown land, taking into account local and strategic land use objectives, the potential for social and economic impacts on the local community, and any Environmentally Sensitive Area Mapping held by Boorowa and Yass Valley Councils; and
  - description of the alternatives considered (location and / or design) for all project components, and justification for the preferred project demonstrating its benefits on a local and strategic scale and how it achieves stated objectives and any measures to offset residual impacts (e.g. community enhancement programmes); and
- an identification of how relevant planning, land use and development matters (including relevant strategic and statutory matters) have been considered in the impact assessment (direct, indirect and cumulative impacts) and / or in developing management / mitigation measures, including Section 79C of the EP&A Act, applicable State Environmental Planning Policies (SEPP), Local Environmental Plans, the nature and extent of any prohibitions that apply to the development and demonstration that the site is suitable for the proposed use (including in accordance with SEPP 55 – Remediation of Land).

The EIS must also consider the minimum form and content requirements of the *Draft NSW Planning Guidelines: Wind Farms*, including procedures for consulting with the community and stakeholders, and meeting assessment requirements.

Notwithstanding the key issues specified below, the EIS must include an environmental risk assessment to identify the potential environmental impacts associated with the development, proposed mitigation measures and potentially significant residual environmental impacts after the application of proposed mitigation measures. Where additional key environmental impacts are identified through this environmental risk analysis, an appropriately detailed impact assessment of the additional key environmental impact(s) must be included in the EIS.

Where relevant, the assessment of the key issues below, and any other significant issues identified in the risk assessment, must include:

- adequate baseline data;
- consideration of potential cumulative impacts due to other development in the vicinity,

	paying particular attention to existing and proposed wind farms, such as Rye Park and Yass Valley Wind Farms; and • measures to avoid, minimise and if necessary, offset the predicted impacts, including detailed contingency plans for managing any significant risks to the environment.
Key issues	The EIS must address the following specific matters for both the wind farm and associated infrastructure: **Landscape and Visual** – the EIS must: • provide a comprehensive assessment of the landscape character and values and any scenic or significant vistas of the area potentially affected by the project taking into account cumulative impacts from surrounding proposed, approved or operational wind farms in the locality, including an assessment of the significance of landscape values and character in a local and regional context. This should describe community and stakeholder values of the local and regional visual amenity and quality, and perceptions of the project based on surveys and consultation; • assess the impact of shadow "flicker", blade "glint" and night lighting from the wind farm; • identify the zone of visual influence of the wind farm including consideration of night lighting and assess the visual impact of all project components on this landscape; • include an assessment of any cumulative visual impacts from transmission line infrastructure; • include photomontages of the project taken from potentially affected residences and in particular from all non-associated dwellings within 2 km of a proposed wind turbine (including approved but not yet developed dwellings or subdivisions with residential rights), settlements and significant public view points, and provide a clear description of proposed visual amenity mitigation and management measures for the wind farm (including negotiated agreements where applicable); • provide an assessment of the feasibility, effectiveness and reliability of proposed mitigation measures and any residual impacts after these measures have been implemented; • include consideration of alternative transmission line pole designs to minimise the visual impact; and • demonstrate that there has been direct consultation to negotiate agreements with non-associated residents within 3 km of a proposed turbine where significant visual impacts are predicted, and provide sufficient information to enable a clear understanding of what has been agreed and what matters are covered by any such agreements. **Noise and Vibration** – the EIS must: • include a comprehensive noise assessment of all phases and components of the project taking into account cumulative impacts from surrounding approved or operational wind farms in the locality including: turbine operation, the operation of the electrical substation, corona and / or Aeolian noise from the transmission line, construction noise (focusing on high noise-generating construction scenarios and works outside of standard construction hours), traffic noise during construction and operation, and vibration generating activities (including blasting) during construction and / or operation. The assessment must identify noise / vibration sensitive locations (including approved but not yet developed dwellings), baseline conditions based on monitoring results, the levels and character of noise (e.g. tonality, impulsiveness, low frequency etc.) generated by noise sources, noise / vibration criteria, modelling assumptions and worst case and representative noise / vibration impacts; • in relation to wind turbine operation, determine the noise impacts under operating meteorological conditions (ie. wind speeds from cut in to rated power), including impacts under meteorological conditions that exacerbate impacts (including varying atmospheric stability classes and the van den Berg effect for wind turbines). The probability of such occurrences must be quantified; • include monitoring to ensure that there is adequate wind speed / profile data and

ambient background noise data that is representative for all sensitive receptors;

- provide justification for the nominated average background noise level used in the assessment process, considering any significant difference between daytime and night time background noise levels at background noise levels higher than 30 dB(A);
- consider special audible characteristics, including tonality, amplitude modulation, and low frequency noise (apply penalties where relevant), and identify any risks with respect to tonal, low frequency or infra-noise;
- clearly outline the noise mitigation, monitoring and management measures that would be applied to the project, including an assessment of the feasibility, effectiveness and reliability of proposed measures and any residual impacts after these measures have been incorporated;
- if any noise agreements with residents are proposed for areas where noise criteria cannot be met, provide sufficient information to enable a clear understanding of what has been agreed and what matters are covered by any such agreements; and
- include a contingency strategy that provides for additional noise attenuation should higher noise levels than those predicted result following commissioning and / or should noise agreements with landowners not eventuate.

The noise assessment must be undertaken in a manner that is consistent with the following guidelines:

- Wind Turbines – the South Australian Environment Protection Authority's *Wind Farms: Environmental Noise Guidelines (2009)* with a base criteria of 35 dB(A) or background plus 5 dB, whichever is greater;
- Substation – *NSW Industrial Noise Policy* (EPA, 2000);
- Site Establishment and Construction – *Interim Construction Noise Guidelines* (DECC, 2009);
- Traffic Noise – *NSW Road Noise Policy* (DECCW 2011); and
- Vibration – *Assessing Vibration: A Technical Guideline* (DECC, 2006).

Biodiversity – the EIS must:

- include an ecological assessment of potential impacts on terrestrial and aquatic ecosystems (as relevant) including groundwater dependent ecosystems;
- assess and document impacts in accordance with the *Framework for Biodiversity Assessment*, unless otherwise agreed by the Office of Environment and Heritage;
- provide justification for site selection of the proposed turbine locations taking into account the potential to use areas of lower habitat value within the site;
- identify threatened species, populations and communities listed under both State and Commonwealth legislation that have the potential to occur on site;
- map existing vegetation by vegetation / community type and include details on existing site conditions, including whether the vegetation comprises a highly modified or over-cleared landscape and the types and quality of habitat resources available (vegetation mapping should consider any Environmentally Sensitive Area Mapping held by Boorowa and Yass Valley Shire Councils and any areas subject to an agreement with South East Local Land Services);
- map rivers, streams, wetlands and estuaries (as described in Appendix 2 of the *Framework for Biodiversity Assessment*);
- describe baseline conditions for any water resources likely to be affected including water quality objectives (as endorsed by the NSW Government http://www.environment.nsw.gov.au/ieo/index.htm) and indicator and trigger values / criteria for the environmental values identified in the water quality objectives in accordance with ANZECC (2000) *Guidelines for Fresh and Marine Water Quality* and or local objectives, criteria or targets endorsed by the NSW Government;
- provide details of the survey methodology employed including survey effort and representativeness for each species targeted and clear justification for species that were discounted from requiring field surveys or further assessment;
- demonstrate a design philosophy of impact avoidance on ecological values, and in particular, ecological values of high significance;

- provide a worst case estimate of vegetation to be cleared (in hectares), including quantifying impacts (in hectares) by vegetation type and threatened species habitat;
- assess the significance of impacts to native vegetation, listed threatened species, populations and communities and their habitats with consideration to local and region-based ecological implications, including edge effects, habitat connectivity and distribution of species. The assessment must consider impacts to in-stream and riparian ecology from works close to waterways and / or waterway crossings. In addition, impact of the project on birds and bats from blade strikes, low air pressure zones at the blade tips (barotrauma), and alteration to movement patterns resulting from the turbines must be assessed, including demonstration of how the project has been sited to avoid and / or minimise such impacts;
- consider cumulative effects, including the effects of multiple wind farms in the vicinity on bird / bat strike, movement patterns and loss of habitat;
- include details of how flora and fauna impacts would be managed during construction and operation including adaptive management, rehabilitation / regeneration measures and maintenance protocols;
- demonstrate how the project (with the incorporation of all proposed measures to avoid, mitigate and / or offset impacts) can achieve a biodiversity outcome consistent with the *NSW Government Offsets Policy for Major Projects*. If a land-based biodiversity offset is proposed, sufficient details must be provided of the specific areas and management proposed to offset the impacts of the project on biodiversity, and how the offset areas would be secured in perpetuity; and
- address the risk of weed spread, both noxious and environmental weeds, and identify mitigation measures.

Heritage – the EIS must include an assessment of impacts on Aboriginal and historic heritage, including:

- sufficient information to demonstrate the likely impacts of the project on Aboriginal heritage values / items (archaeological and cultural) and outline proposed mitigation measures (including consideration of the effectiveness and reliability of the measures) in accordance with the *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH, 2011) and the *Code of Practice for the Archaeological Investigation of Aboriginal Objects in NSW* (DECCW, 2010). The assessment must be undertaken by suitably qualified heritage consultants and demonstrate effective consultation with Aboriginal communities in determining and assessing impacts, developing options and selecting options and mitigation measures (including the final proposed measures) be undertaken and documented in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW, 2010); and
- provide sufficient information to demonstrate the likely impacts of the project on historic heritage values (including heritage vistas) and, where impacts to State or local historic heritage items are proposed, outline proposed mitigation and management measures (including consideration of the effectiveness and reliability of the measures) generally consistent with the guidelines in the *NSW Heritage Manual*. Where impacts to State or local historic heritage items are proposed, a statement of heritage significance must be included.

Traffic and Transport – the EIS must assess the construction and operational traffic impacts of the development, including:

- details of traffic volumes (both light and heavy vehicles) and transport routes during construction and operation;
- assess the potential traffic impacts of the project on road network function (including intersection level of service) and safety, and including impact on existing transport including school bus routes and freight operations;
- assess the capacity of the existing road network to accommodate the type and volume of traffic generated by the project (including over-mass / over-dimensional traffic) during construction and operation, differentiating between various raw material deliveries and staff and contractors, including conceptual design details of any

required upgrades to roads, bridges, site access provisions (for safe access to the public road network) or other road features;

- details of measures to mitigate and / or manage potential impacts, including construction traffic control, road dilapidation surveys and measures to control soil erosion and dust generated by traffic volumes;
- details of access roads within the site including how these would connect to the existing public road network (ie. site access) and ongoing operational maintenance requirements for both on-site and local roads;
- consideration of relevant RMS and Council traffic / road policies; and
- identification of road upgrades and / or maintenance contributions to the relevant Council over the life of the project to address impacts on the local road network.

Hazard / Risks – the EIS must include an assessment of the following:

- *Aviation* – potential impacts on aviation safety, including cumulative effects of multiple wind farms in the vicinity, potential wake / turbulence issues, the need for aviation hazard lighting, considering nearby aerodromes and aircraft landing areas, defined air traffic routes, aircraft operating heights, approach / departure procedures, radar interference, communication systems, and navigation aids. Aerodromes within 30 km of the turbines should be identified and impacts on obstacle limitation surfaces addressed. Assess the impact of the turbines on the safe and efficient aerial application of agricultural fertilisers and pesticides in the vicinity of the turbines and transmission line. An Aeronautical Impact Statement (AIS) prepared in consultation and in accordance with any relevant guidelines specified by AirServices Australia and Civil Aviation Safety Authority and prepared by an appropriately qualified person. The assessment must include the associated height and cords for each turbine;
- *Telecommunications* – identify possible effects on telecommunications systems, assess impacts and mitigation measures including undertaking a detailed assessment to examine the potential impacts as well as analysis and agreement on the implementation of suitable options to avoid potential disruptions to radio communication services; which may include the installation and maintenance of alternative sites;
- *Health* – consider and document health issues, focusing on dwellings within 1.5 km of proposed wind turbines. Identify potential hazards and risks associated with electric and magnetic fields and demonstrate the application of the principles of Prudent Avoidance;
- *Bushfire* – identify potential hazards and risks associated with bushfires / use of bushfire prone land, including the risks that a wind farm would cause bush fire and any potential impacts on the aerial fighting of bush fires incorporating options to switch off turbines during bushfire, and demonstrating compliance with *Planning for Bush Fire Protection 2006*; and
- *Blade Throw* – assess blade throw risks.

Water – the EIS must:

- identify water demand, and determine whether an adequate and secure water supply is available for the project;
- identify water sources (surface and groundwater), water disposal / discharge methods and water storage structures in the form of a water balance;
- include the statutory (licensing) context of the water supply sources;
- assess potential environmental impacts associated with the use of the identified water sources including impacts on groundwater and implications for existing licensed users / basic landholder rights;
- assess potential environmental impacts associated with any proposed discharges, and proposed monitoring methodology where required;
- assess the potential to intercept groundwater, including predicted dewatering volumes, zone of drawdown and associated impact, water quality and disposal methods;
- where the project involves crossing or works within 40 metres of waterways, identify likely impacts to the waterways, how the waterways are proposed to be crossed and

	be designed in accordance with the *NSW Office of Water Guidelines for Controlled Activities* (2010); • describe the measures to minimise hydrological, water quality, aquatic and riparian impacts, including contingency requirements to address surface and groundwater impacts; and • identify how works within steep gradient land or highly erosive soil types would be managed during construction and operation, including in relation to access roads. **Waste** – The EIS must: • identify, quantify and classify the likely waste streams to be generated during construction and operation, and describe the measures to be implemented to manage, reuse, recycle and safely dispose of this waste.
Consultation	During the preparation of the EIS, you must consult with relevant local, State and Commonwealth Government authorities, service providers, community groups and affected landowners. In particular you must consult with: • Boorowa Council; • Yass Valley Shire Council; • South East Local Land Services; • Local Aboriginal Land Council; • Office of Environment and Heritage; • Environment Protection Authority; • Division of Resources and Energy; • Department of Primary Industries (Crown Lands, Fisheries, Agriculture, and Water); • NSW Roads and Maritime Services; • NSW Rural Fire Service; • AirServices Australia; • Civil Aviation Safety Authority; • Department of Defence; • NSW Government Telco Authority and other registered communications licensees (including emergency services); • Aerial Agricultural Society of Australia; • relevant service providers; • relevant minerals stakeholders (including exploration and mining title holders); and • the public, including community groups and adjoining and affected landowners (including "associated" and "non-associated" residences). The EIS must: • demonstrate effective consultation with stakeholders, and that the level of consultation with each stakeholder is commensurate with their degree of interest / concern or likely impact; • provide evidence of consultation with all neighbours with dwellings within 2 km of proposed wind turbines to identify any issues and potential approaches to mitigate any adverse impacts, including prioritising reaching written agreements with significantly impacted non-associated residents; • clearly describe the consultation process undertaken for each stakeholder / group including details of the dates of consultation and copies of any information disseminated as part of the consultation process (subject to confidentiality); • describe the issues raised during consultation and how and where these have been addressed in the EIS; and • provide details of the status of the community consultative committee to be formed by the Applicant under the provisions of the *Draft NSW Planning Guidelines: Wind Farms*.
Further consultation after 2 years	If you do not lodge a development application and EIS for the development within 2 years of the issue date of these SEARs, you must consult further with the Secretary in relation to the preparation of the EIS.

NSW GOVERNMENT | Planning & Infrastructure

RECEIVED
25 APR 2012
BY:

Office of the Director General

Mr Ed Mounsey
Wind Prospect CWP Pty Ltd
PO Box 1708
NEWCASTLE NSW 2300

12/05643

Dear Mr Mounsey

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

SHaddad

Sam Haddad
Director-General

18/4/2012.

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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	• 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	• 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	• 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	• Consider and document health issues, focusing on neighbours with dwellings within 2km of proposed wind turbines.
Ecological issues	• Consider potential impacts on birds and bats, particularly migratory species and outline the proposed monitoring and mitigation strategy
Aviation safety	• 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	• 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	• Assess blade throw risks consistent with the draft guidelines. • Outline measures to avoid, minimise, manage and monitor impacts.
Economic issues	• 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	• 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	• 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	• Outline whether the proposal is consistent with any relevant provisions of the relevant council's Development Control Plan and list any variations.

Australian Government
Department of Sustainability, Environment, Water, Population and Communities

EPBC Ref: 2013/6810

Adrian Maddocks
Senior Development Manager
Bango Wind Farm Pty Ltd
PO BOX 1708
Newcastle NSW 2300

Dear Mr Maddocks

Request for additional information – preliminary documentation
Bango Wind Farm, NSW, EPBC 2013/6810

I am writing to you in relation to your proposal to develop and operate a wind farm near Boorowa, NSW. On 7 May 2013, I decided that the above proposal required assessment and approval under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). At this time, I also decided that the proposed action will need to be assessed by preliminary documentation. While it has been determined that your project will be assessed by preliminary documentation, the department requires some further information to be able to assess the relevant impacts of the action.

Specifically, the department will be assessing your project using:

- the information contained in your original referral;
- a response to the further information requested and attached to this letter on the impacts of the action and the strategies to mitigate and/or offset that impact; and
- any other relevant information on the matters protected by the EPBC Act.

Once the department receives satisfactory information in response to the preliminary documentation request, a direction to publish will be issued so that the preliminary documentation is made available for public comment.

If you have any questions about the assessment process or this request for preliminary documentation, please contact the project manager, Erik van Wijk, by email to erik.vanwijk@environment.gov.au, or telephone 02 6274 2119 and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely

James Tregurtha
Assistant Secretary
South-Eastern Australia Environment Assessments Branch
13 May 2013

ATTACHMENT A

REQUEST FOR ADDITIONAL INFORMATION – ASSESSMENT BY PRELIMINARY DOCUMENTATION

BANGO WIND FARM, NSW (EPBC 2013/6810)

Information about the proposed action and its relevant impacts, as outlined in the referral and in the additional information described below, will make up the preliminary documentation.

It was determined that the proposed action will have, or is likely to have, a significant impact on the following matters of national environmental significance that are protected under Part 3 of the EPBC Act:

- Listed threatened species and communities (sections 18 and 18A); and
- Listed migratory species (sections 20 and 20A).

These matters are known as the controlling provisions for the assessment. Information about the action and its relevant impacts is to be provided in the preliminary documentation. The preliminary documentation should be sufficient to allow the Minister, or Delegate, to make an informed decision on whether or not to approve, under Part 9 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), the taking of the action for the purposes of each controlling provision.

The preliminary documentation must address the following matters:

1. BACKGROUND INFORMATION

This chapter should summarise the context of the proposal, and include (but need not be limited to) the following:

(a) background information on the purpose of, and need for the proposal;

(b) contextual information on other proposed or operating wind farms in the region, particularly those which occur within the know breeding range of the Superb Parrot;

(c) a clear definition of the objectives of the proposal in relation to government strategies (either local, state or Commonwealth);

(d) how, or if, the proposal relates to other actions (either currently being implemented or anticipated for the future);

2. DESCRIPTION OF THE ACTION

The preliminary documentation must describe all construction and operational components of the action in detail, including:

(a) details of the full scope of works including: both permanent and temporary infrastructure, any built structures, land or vegetation disturbance, landscaping, fencing, stockpiles of materials (including waste or spoil), and (if applicable) proposed storm water diversion channels, erosion control measures or environmental rehabilitation works;

(b) details and locations of required offsite infrastructure, including connections to the electricity grid, transmission lines, and location of any required road upgrades to enable transportation of tower and turbine components to the site;

(c) details on construction methods, techniques and materials;

(d) a description of the operational requirements of the action and any anticipated maintenance works;

(e) the anticipated timing and duration (including start and completion dates) for both construction and operational components;

(f) the location, boundaries and size (in hectares) of the disturbance footprint and of any adjoining areas which may be indirectly impacted by the proposal;

(g) an indicative layout plan for the proposed action area, including the location and type of land use, key infrastructure, open space or conservation areas.

Maps, diagrams and other illustrative material should be included where appropriate, and in colour where possible.

3. DESCRIPTION OF THE ENVIRONMENT AND MATTERS OF NATIONAL ENVIRONMENTAL SIGNIFICANCE

The preliminary documentation must provide a general description of the environment of the development site, as well as the surrounding areas that could be impacted by the action both in the short or long term. Specific matters this section must address include:

(a) the current land use(s) of the development site, locations of offsite infrastructure and adjoining properties;

(b) a description of land topography both within and adjacent to the project area;

(c) a description of the matters of national environmental significance which may be affected by the proposal (including at offsite locations). This section must address (but need not be limited to) the following matters:

- White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland;
- Golden Sun Moth (*Synemon plana*);

- Superb Parrot *(Polytelis swainsonii)*;
- Regent Honeyeater (*Anthochaera* (*Xanthomyza*) *phrygia*);
- Koala (*Phascolarctos cinereus*);
- South-eastern Long Eared Bat Nyctophilus timoriensis (South-eastern form);
- Eastern Long-eared Bat (*Nyctophilus corbeni*);
- Striped legless Lizard (*Delma impar*);
- Pink-tailed Worm Lizard (*Aprasia parapulchella*); and
- Yass daisy (*Ammobium craspedioides*)

For each of the above matters, this section must provide the following:

quantification (in hectares) of the extent and quality of habitat (and/or number of individuals) present within the development site, including provision of survey information with detailed descriptions of survey timing, location, effort, methods and results including a discussion detailing if surveys were undertaken in accordance with published best practice guidelines, particularly those available at (www.environment.gov.au/epbc/guidelines-policies.html); and

information detailing known populations (and records), or high quality habitat for the relevant matter(s) within five kilometres of the development site;

4. RELEVANT IMPACTS

The preliminary documentation must address how the elements of the action (during construction and operational phases of the action) may impact matters of national environmental significance that are identified as being present, or potentially present within and adjacent to the project area. Information must include:

(a) the presence, status and extent of EPBC Act listed threatened species and communities (including those matters identified in Section 3) that could be affected by the proposal. This response must detail the quantum, type and quality of habitat in hectares of potential habitat for the species and communities likely to be impacted through direct removal (and / or where more relevant the number of individuals);

(b) details on the distance of proposed works (including offsite, i.e. road upgrades and transmission lines) to any habitat for (or individuals of) EPBC Act threatened species and communities within 500 metres of the disturbance footprint, and information on the long term viability of these populations if the proposal was to proceed. The information should consider and describe in detail all possible indirect impacts associated with the action, and should quantify the areas and type of habitat in hectares (and as number of individuals, if available) which may be indirectly impacted as a result of the proposal;

(c) the potential for bird and bats (focusing on the those identified in Section 3) to be impacted through collision or barotrauma related impacts. This potential should be evaluated through demonstrating species utilisation of the site and using expert opinion to determine if seasonal, ecological (i.e. the site provides multiple nesting hollows) or behavioural characteristics may influence risk, for example number of individuals, movements, or flights within the swept rotor area height;

(d) review existing information to determine if any of the bird or bat species identified in Section 3 have been subject to collision or barotraumas impacts at other wind farms; and detail whether any of these species have been documented to decline or persist where they occur at other wind farm sites;

(e) a local and regional scale analysis of the likely impacts to the protected matters identified in Section 3, with reference to the projects potential contribution of cumulative impacts on the Superb Parrot resulting from other current or proposed wind farms in the Yass, Molong and Young area;

(f) details on whether any impacts are likely to be unknown, unpredictable or irreversible; and

(g) details of any additional studies, or surveys which were not included in the referral.

5. PROPOSED AVOIDANCE, MANAGEMENT AND MITIGATION MEASURES

The preliminary documentation must provide information on measures to be undertaken to avoid, mitigate, and manage impacts to matters of national environmental significance, including:

(a) a map(s) which illustrates the location(s) of any proposed construction exclusion zones or buffer zones, and details on how these areas will be excluded, or protected;

(b) with specific reference to (4 c) demonstrate if or how proposed turbine locations have been sited to minimise risk to birds and bats;

(c) a description of any mitigation measures which deal with indirect impacts to matters of national environmental significance which occur outside the development footprint. For example, erosion and sediment and weed and hygiene control measures. Any proposal to rehabilitate temporarily disturbed areas must also be described in detail (and address methodology, timing, duration, effort and likelihood of success); and

(d) associated timeframes for undertaking proposed mitigation measures (i.e. duration and timing of implementation). This must be addressed for both the construction phase and operational life of the action.

6. PROPOSED OFFSETS

The preliminary documentation must provide information on any offset measures which are available and achievable, in the event they are deemed to be required by the department. This section should consider offsets for all EPBC listed species and communities for which there may be significant residual impacts, (or contingency offsets where impacts are uncertain such as bird and batt strike). Offsets should be proposed, but not necessarily limited to the following species:

- Golden Sun Moth (*Synemon plana*)
- Superb Parrot *(Polytelis swainsonii)*

The offset proposal must include:

(a) a detailed description of the offset(s), such as how, when and where the offsets will be delivered and managed;

(b) details of how the offset(s) will compensate for the impact(s) upon matters of national environmental significance, resulting from the action;

(c) a description of how the offset(s) will ensure the protection, conservation and management of the relevant matters of national environmental significance, for the life of the impact;

(d) a description of how the offset(s) are consistent with relevant Commonwealth policies and guidance documents on offsets under the EPBC Act. These documents can be found at the following link: www.environment.gov.au/epbc/publications/environmental-offsets-policy.html; and

(e) the anticipated cost (financial and other) of delivery the offset(s).

7. SOCIAL AND ECONOMIC

Information on the economic and social impacts of the proposed action, both positive and negative, must be provided. Economic and social impacts should be considered at the local, regional and national levels.

8. OTHER APPROVALS AND CONDITIONS

The preliminary documentation must include information on any other requirements for approval or conditions that apply, or that the proponent reasonably believes are likely to apply, to the proposed action. This must include:

(a) details of any local or state government planning scheme, or plan or policy under any local or state government planning system that deals with the proposed action, including:

- how the proposed action is compliant with all relevant local and state government planning schemes;

- the outcome of any applications to revise local or state government planning schemes which are necessary for the proposed action to proceed;
- what environmental assessment of the proposed action has been, or is being, carried out under any local or state government scheme, plan or policy; and
- how the local or state government scheme provides for the prevention, minimisation and management of any relevant impacts;

(b) a description of any approval that has been obtained or is required to be obtained from a State, Territory or Commonwealth agency or authority (other than an approval under the EPBC Act), including any conditions that apply to the action;

(c) a statement identifying any additional approval that is required; and

(d) a description of the monitoring, enforcement and review procedures that apply, or are proposed to apply, to the action.

9. INFORMATION SOURCES PROVIDED IN THE PRELIMINARY DOCUMENTATION

For information given in the preliminary documentation, the preliminary documentation must state:

(a) the source of the information;

(b) how recent the information is;

(c) how the reliability of the information was tested; and

(d) what uncertainties (if any) are in the information.

10. FORMAT

Information provided must primarily focus on the matters of national environmental significance and must contain sufficient information to avoid the need to search out previous or supplementary reports. This documentation should be in a format that is objective, clear, and succinct and, where appropriate, be supported by relevant maps, plans, diagrams, tables, surveys, references or other descriptive detail, so it may be easily understood by the general public.