


STATEMENT OF ENVIRONMENTAL EFFECTS

PREPARED BY:

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PROJECT:	Development Application for the construction of Two Temporary Meteorological Masts and One Permanent Meteorological Mast at Lots 131 & 142 DP754136 560 Pudman Creek Road, BLAKNEY (RYE PARK WINDFARM)
CLIENT:	ART Group Pty Ltd
OUR REFERENCE:	4102_SEE1
DATE:	July 2021
AUTHOR:	Jamie Bush
SIGNATURE:	



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1. INTRODUCTION

This Statement of Environmental Effects has been prepared for ART Group Pty Ltd by DPS. This Statement is to accompany a development application to Upper Lachlan Shire Council for the construction of Two Temporary Meteorological Masts and One Permanent Meteorological Mast at Lots 131 & 142 DP754136 560 Pudman Creek Road, BLAKNEY (RYE PARK WINDFARM).

This report aims to assess the potential impacts and environmental effects of the proposed development of the subject site under section 79C of the Environmental Planning and Assessment Act 1979.

1.1 OWNER AND APPLICANT DETAILS

The Applicant

ART Group Pty Ltd
c/- DPS
PO Box 5
YASS NSW 2582

Contact: Rachel Braithwaite
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Email: rachel@dpsyass.com.au

The Owner/s

Brian Murphy
Tony Murphy
c/- DPS
PO Box 5
YASS NSW 2582

Site Address

The subject site of this application is identified as Lots 131 & 142 DP754136 560 Pudman Creek Road, BLAKNEY (RYE PARK WINDFARM) and shown in Figure 1.1.

1.2 SITE AND LOCATION

Site Description

The subject site is located on Pudman Creek Road, Blakney within the Hilltops Local Government Area. The site is bounded by rural farming land to the North, East, South and West with Pudman Creek Road to the South. The land is currently one lot and is zoned RU2 Rural Landscape in the Upper Lachlan Local Environment Plan (YVLEP) 2010.

The subject site, Lots 131 & 142 DP754136 is an irregular shaped parcel of land with an area of 221.47ha and has access to Pudman Creek Road as can be seen in Figure 1.1 Location Map. The site is currently being used for rural purposes and is included in the development area for the Rye Park Wind Farm, it is the intention that the current use will remain the same.

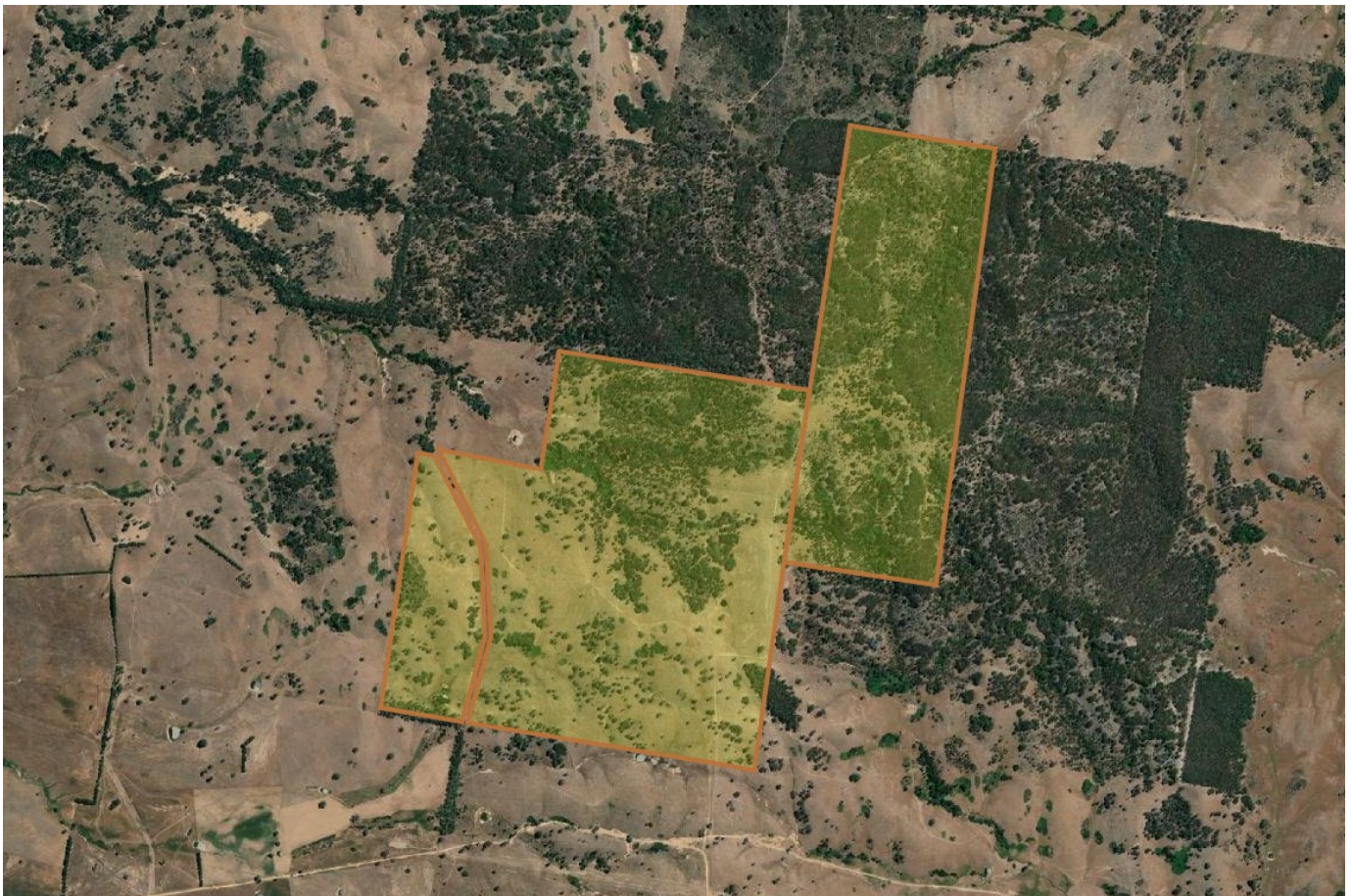


Figure 1.1 Location Map (Source: NSW Government Spatial Map Viewer)

Existing Easements and Restrictions

- Right to take timber and products (Clause 5, Schedule 1, Forestry Act 2012) until 31.08.1999(Y595744)
- Caveat by Rye Park Renewable Energy Pty Ltd see AJ54968 (AI349745)

Proposed Easements and Restrictions

- It is not intended to create any easements, restrictions or positive covenants as part of this proposed development.

Proposed Development Summary

This report has been prepared by DPS to accompany the Development Application submission and is lodged under Part 4 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* for the construction of Two Temporary Meteorological Masts and One Permanent Meteorological Mast (Met Mast) at the Rye Park Windfarm that is permissible with Council consent. It is to be noted that Rye Park Renewable Energy Pty Ltd, a wholly owned subsidiary of Tilt Renewables Limited has State Approval for the construction works at the Wind Farm, a copy of this approval is included in Appendix C. This Statement is to be read in conjunction with the associated proposed plans, state issued consents and specialist reports included in the Appendix's.

The purpose of this report is to consider the site characteristics and the anticipated impacts of the proposed development providing an assessment in accordance with the matters for consideration in Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

The subject site has an area of 221.47ha of land that is currently used for rural purposes and included in the approved development footprint of the Rye Park Wind Farm. The proposed development will involve the construction of two (2) temporary Met Masts and one (1) permanent Met Mast for the purpose of data collection in relation to future wind turbines. The temporary Met Masts have been positioned at the site of a future wind turbine to measure the wind speed verification, weather and general monitoring purposes and to provide better estimates of the potential Annual Energy Production (AEP). The location of the temporary and permanent masts is indicated on the Site Plan that is included as Figure 1.2 and in Appendix A of this statement.

The temporary masts will remain in place for a period of 5-12 months dependent on data collection. They are proposed to be 120m above ground level, constructed from galvanised metal with the top third having aviation painting of red and white bands with an estimated construction timeframe of 7 days per mast. The mast assembly layout plan, isometric view and elevation is shown in Figures 1.3 and 1.4 and in Appendix B of this statement.

The proposal does not involve any major construction works or detract from any aspects of either local heritage, remnant bushland, threatened species or natural water courses. The proposed development is clear of any overhead powerlines. No major change in the aesthetics of the land is proposed to occur as part of the installation of the Met Masts.

This report concludes that the proposed development indicates a positive contribution, is consistent with the strategic planning for the area and the relevant planning legislation and policies. It is expected that any minor environmental impacts associated with the future operation of the development can be mitigated. As a result of this investigation, it is concluded that the proposed development of the site is permissible with conditional consent.

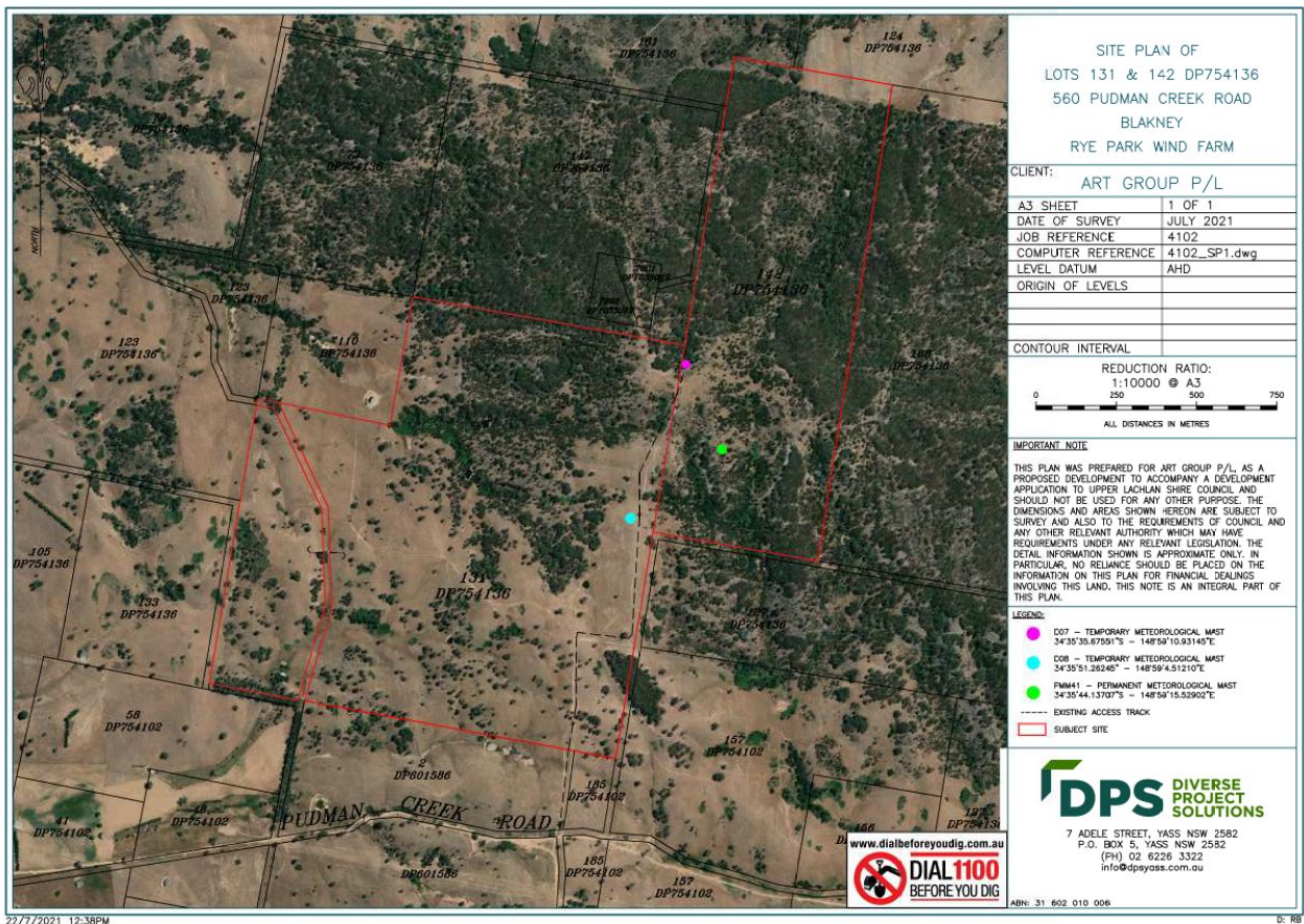


Figure 1.2: Proposed Site Plan (Source: DPS P/L)

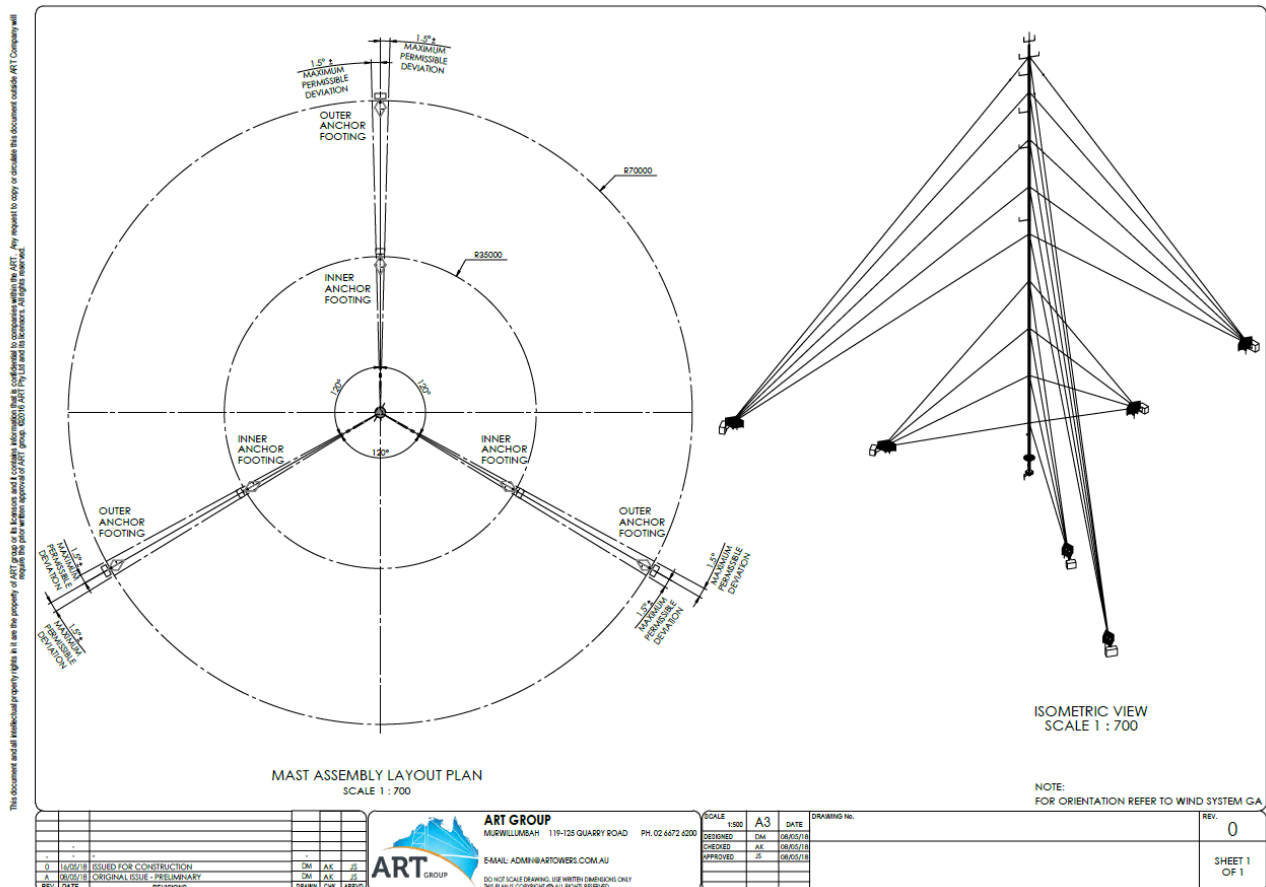


Figure 1.3: Mast Assembly Layout Plan and Isometric View (Source: ART Group)

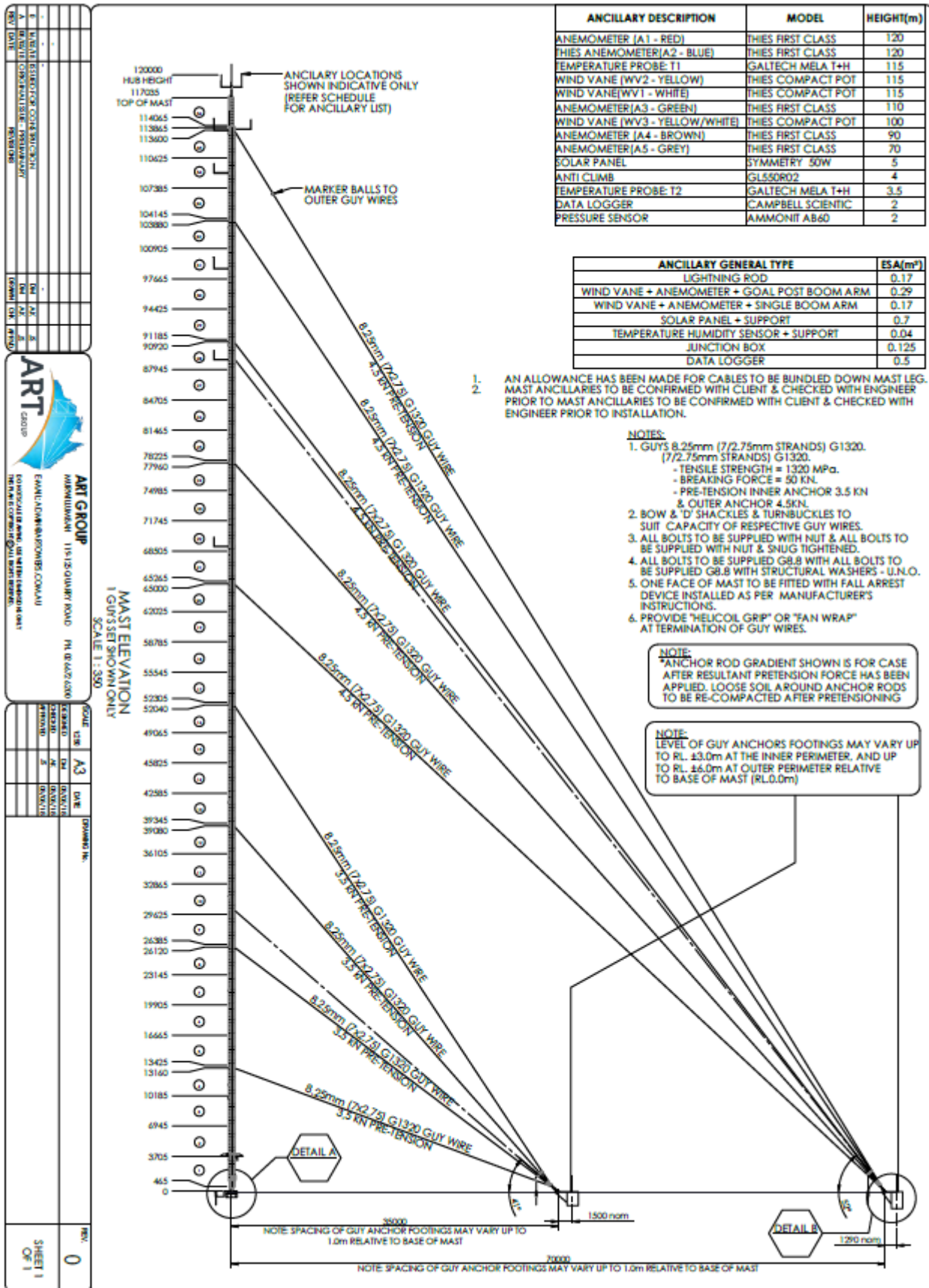


Figure 1.4: Mast Elevation (Source: ART Group)

2. ASSESSMENT

This section deals with the proposal's consistency with the various statutory and non-statutory provisions.

2.1 ENVIRONMENTAL PLANNING INSTRUMENTS

Upper Lachlan Local Environmental Plan 2010

The following details the proposal against the zone objectives and clauses 6.1 and 6.3 of the Upper Lachlan Local Environmental Plan 2010 (ULLEP).

Zone RU2 Rural Landscape

1 Objectives of zone

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*
- *To preserve environmentally sensitive areas including waterways and prevent inappropriate development likely to result in environmental harm.*
- *To protect the Pejar catchment area from inappropriate land uses and activities and minimise risk to water quality.*
- *To minimise the visual impact of development on the rural landscape.*
- *To minimise the impact of development on the existing agricultural landscape character.*
- *To protect and enhance the water quality of watercourses and groundwater systems and to reduce land degradation.*
- *To maintain areas of high conservation value vegetation.*

2 Permitted without consent

Building identification signs; Business identification signs; Environmental protection works; Extensive agriculture; Farm buildings; Home-based child care; Home occupations

3 Permitted with consent

Aquaculture; Bed and breakfast accommodation; Cellar door premises; Dwelling houses; Farm stay accommodation; Garden centres; Hardware and building supplies; Landscaping material supplies; Light industries; Plant nurseries; Restaurants or cafes; Roads; Roadside stalls; Rural supplies; Secondary dwellings; Timber yards; Any other development not specified in item 2 or 4

4 Prohibited

Amusement centres; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Charter and tourism boating facilities; Centre-based child care facilities; Commercial premises; Crematoria; Eco-tourist facilities; Entertainment facilities; Exhibition homes; Exhibition villages; Freight transport facilities; Function centres; Health services facilities; Heavy industrial storage establishments; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Service stations; Sex services premises; Storage premises; Tourist and visitor accommodation; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Water recreation structures; Wharf or boating facilities; Wholesale supplies

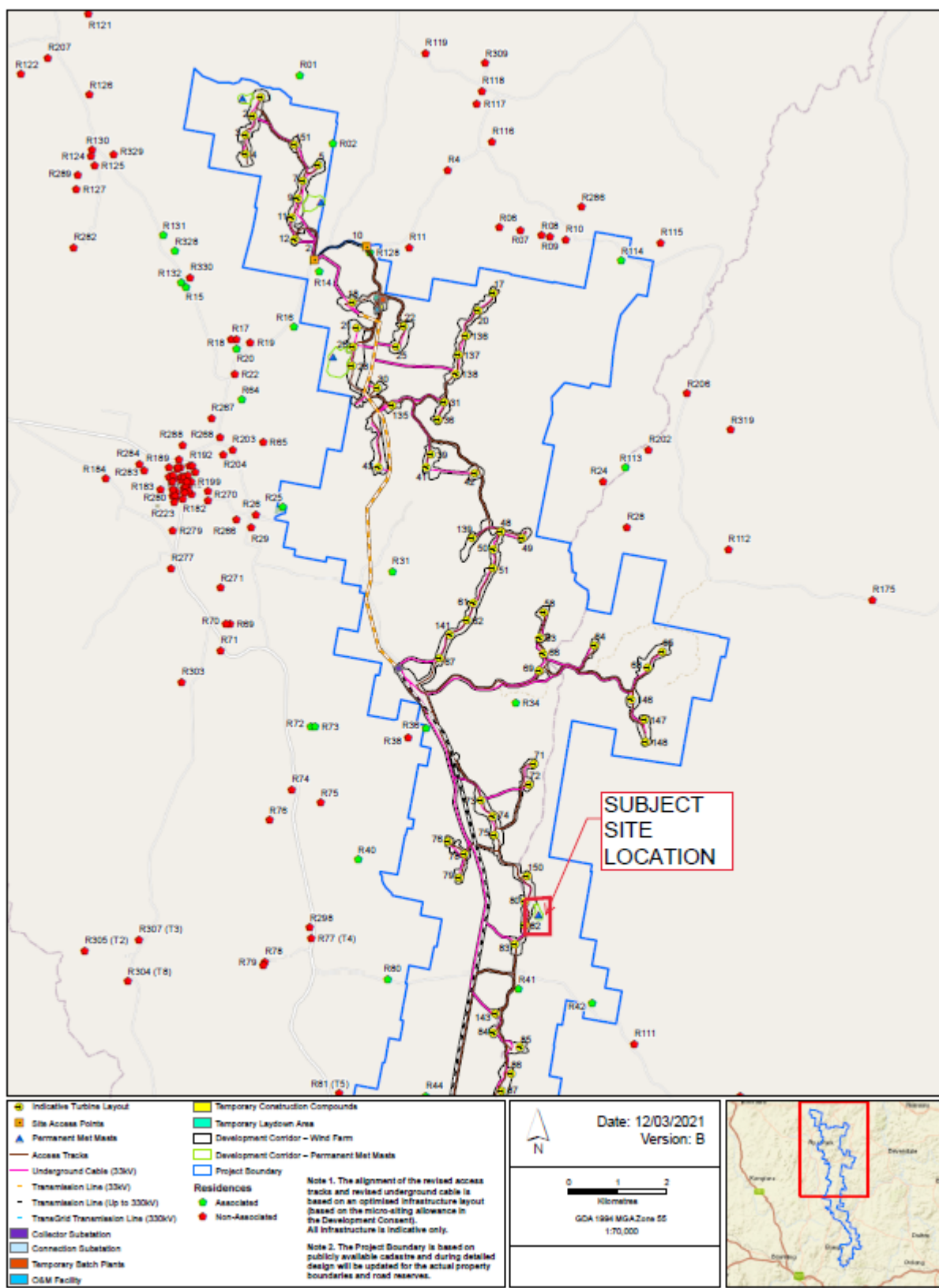
The proposal is found to be consistent with the RU2 Rural Landscape land use objectives and in line with the State Significant Development (SSD) consent (SSD 6693) that has been approved by the Minister for Planning under Section 89E of the *Environmental Planning & Assessment Act 1979*. A copy of this consent is included with this statement as Appendix C.

The temporary and permanent Met Masts are located within the approved development footprint and consistent with the Layout Plan that was included in the approved SSD 6693 as indicated on the plan shown below as Figure 1.5 Updated Development Layout and included with this statement as Appendix D.

The overall Wind Farm Project is strongly aligned with the NSW Government energy and Commonwealth climate policies. It will provide 100% emissions free, renewable energy and help NSW with its inevitable transition away from its current reliance on fossil fuels which are continuing to contribute to climate change impacts.

The overall project including this proposed development will provide full time employment for up to 250 staff during construction and up to 10 ongoing regional jobs during its operational life providing increased employment opportunities as well as injecting approximately \$2-\$3 million per annum to the local community through payments to landholders, permanent staff and benefit sharing plan contributions providing better diversification of income and a drought proof and post retirement income for farmers and shared benefits.

The applicant is strongly committed to ensuring the project is implemented in accordance with best practice as informed by the most up to date and detailed information available for the project. This will ensure the best possible outcome for the Rye Park Wind Farm and the local and wider community.



Rye Park Wind Farm

Updated Development Layout

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Figure 1.4: Development Layout (Source: Tilt Renewables)

6.2 Biodiversity

- (1) The objective of this clause is to maintain terrestrial and aquatic biodiversity including—
 - (a) protecting native fauna and flora, and*
 - (b) protecting the ecological processes necessary for their continued existence, and*
 - (c) encouraging the recovery of native fauna and flora, and their habitats.**
- (2) This clause applies to land identified as “sensitive land” on the [Natural Resources Sensitivity—Biodiversity Map](#).*
- (3) Before determining a development application for land to which this clause applies, the consent authority must consider any adverse impact from the proposed development on—
 - (a) a native ecological community, and*
 - (b) the habitat of any threatened species, populations or ecological community, and*
 - (c) a regionally significant species of fauna and flora or habitat, and*
 - (d) a habitat element providing connectivity.**
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—
 - (a) the development is designed, sited and will be managed to avoid any adverse environmental impact, or*
 - (b) if that impact cannot be avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.**

The initial development application for the entire Wind Farm commissioned a Biodiversity Assessment (BA) by NGH Environmental to assess the biodiversity impacts of the project with particular attention to threatened species (species, populations and communities). A copy of this assessment is included in this statement as Appendix F.

The project area for this proposed development is categorised as cleared farmland mostly derived from scattered Scribbly Gum Forest in moderate condition as indicated in the BA.. The design of the Wind Farm and associated infrastructure including the proposed Met Masts has taken into consideration the results of the BA and the design has been reflected accordingly.

Presently the land in the project area is agricultural and utilised for production which has been subject to prior clearing. With the management measures and offsets presented in the Environmental Assessment of the entire development, it provides an opportunity to arrest existing pressures in the project area such as weeds and conserve a portion of land for biodiversity outcomes resulting in a positive gain.

The BA report summarized the impacted vegetation within the whole of the Development Corridor and a subsequent Offset Plan required to be submitted to the Office of Environment and Heritage (OEH). This resulted in an Approval Decision Notice under the Biodiversity Conservation Assessment Act with an expiration date of 01 June 2055. A copy of this approval notice as Appendix G.

6.5 Earthworks

(1) *The objectives of this clause are as follows—*

- (a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,*
- (b) to allow earthworks of a minor nature without separate development consent.*

(2) *Development consent is required for earthworks unless—*

- (a) the work does not alter the ground level (existing) by more than 600 millimetres, or*
- (b) the work is exempt development under this Plan or another applicable environmental planning instrument, or*
- (c) the work is ancillary to other development for which development consent has been given.*

(3) *Before granting development consent for earthworks, the consent authority must consider the following matters—*

- (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,*
- (b) the effect of the proposed development on the likely future use or redevelopment of the land,*
- (c) the quality of the fill or the soil to be excavated, or both,*
- (d) the effect of the proposed development on the existing and likely amenity of adjoining properties,*
- (e) the source of any fill material and the destination of any excavated material,*
- (f) the likelihood of disturbing relics,*
- (g) proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.*

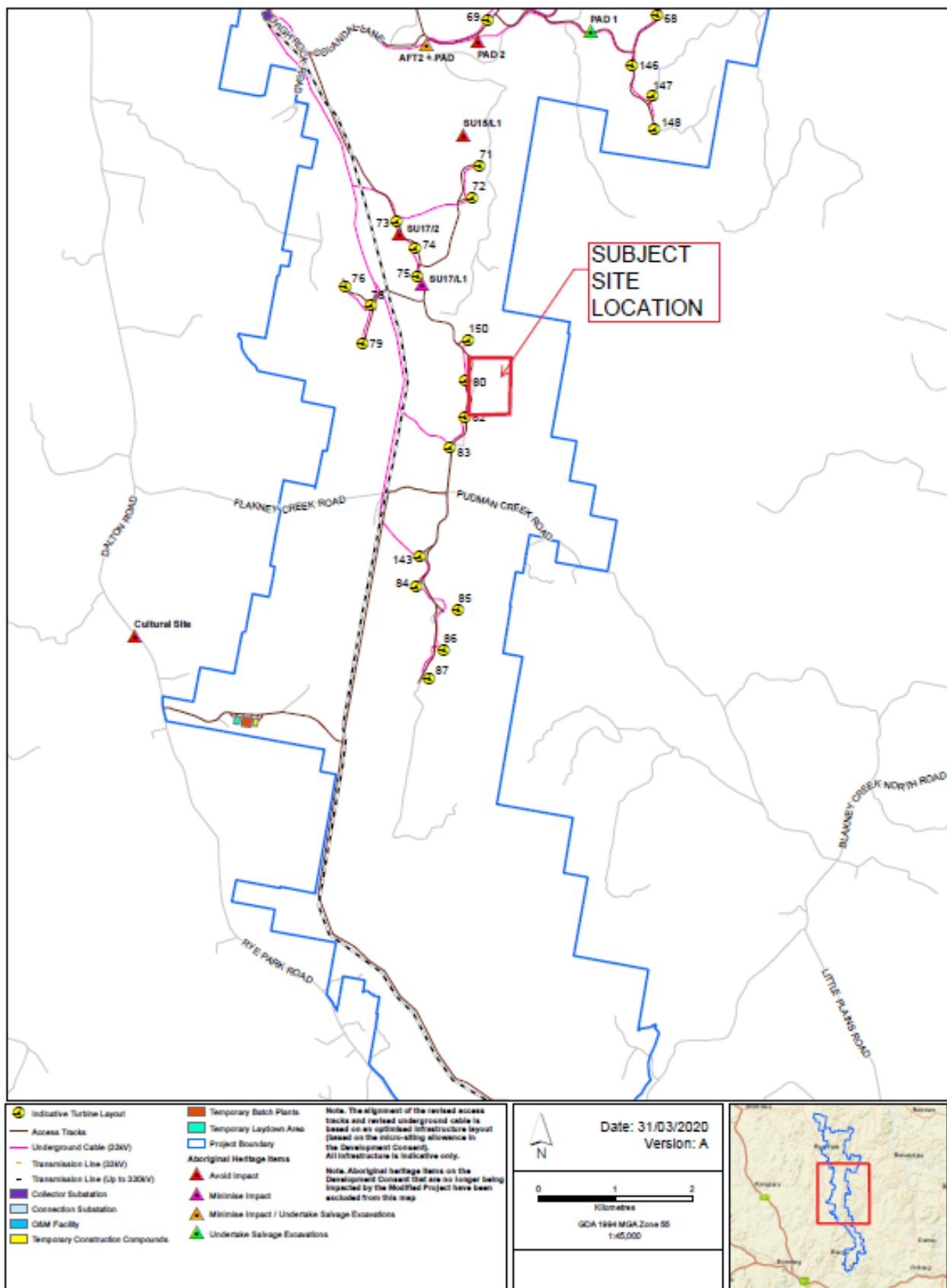
The proposed development requires the construction of the temporary and permanent Met Masts. During the construction activities additional areas of the immediate locations of the masts will be impacted to provide construction compounds and storage areas. These areas will be rehabilitated and restored following completion of the construction program.

Construction works for the installation of the Met Masts would include the preparation of concrete footings and fencing to protect the Masts from native animals and stock. On completion the wind data collected from these masts is sent over the mobile phone network and is used to determine the extent of the energy available from the wind for generation of electricity.

Ongoing wind monitoring and time-series data collected from the masts is continuing to be processed and used to calculate the wind characteristics. From this are determined the sites mean wind speeds and direction which in turn will help choose and position the optimal turbine layout that will maximise the energy generation from the Wind Farm.

We have conducted a property search on NSW Office of Environment & Heritage website with regards to Aboriginal Heritage information as due diligence on the proposed development and any potential effect it might have on Aboriginal objects, places or items of heritage significance. No items were identified, further to that and included with this application is the Aboriginal Heritage Item Report prepared by Tilt Renewables that was included with the overall application to the State for the entire windfarm as Appendix E. As indicated in Figure 1.5, the proposed development is not in an area that has identified any Aboriginal Objects.

The images below in Figures 1.6, 1.7 and 1.8 gives an indicative idea as to what the constructed Met Masts will look like upon completion.



Rye Park Wind Farm

Aboriginal Heritage Items

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Figure 1.5: Extract from Aboriginal Item Report (Source: Tilt Renewables)



Figure 1.6: Photo of Installed Met Mast (Source: ART Group)



Figure 1.7: Photo of Installed Met Mast (Source: ART Group)



Figure 1.8: Photo of Installed Met Mast (Source: ART Group)

Environmental Planning and Assessment Act 1979

The SSD 6693 refers to a Voluntary Planning Agreement (VPA) that is in place with Upper Lachlan Shire Council. The VPA includes provision for the payment, collection, management and distribution of the contributions under the agreement, with a focus on funding community projects in the area surrounding the project site. Payment details listed in the Development Consent are as follows:

\$40,000 (adjusted annually to increases in the CPI commencing at June 2011 quarter) per annum within the Upper Lachlan Shire Council local government area over the operational life of the development, commencing on the date which the development begins 'operation' and ceasing when the development is 'decommissioned' in accordance with the definitions within this consent, with a proportion (not less than 20%) allocated to local education assistance.

2.2 THE LIKELY IMPACTS OF THE DEVELOPMENT

The design of the wind farm layout was an iterative process that sought to maximise the energy potential of the site while minimizing amenity impacts to the surrounding community. Community feedback and various expert assessments were considered with the proposal for the entire development and turbine locations were adjusted accordingly to design the most appropriate layout given the surrounding environment. In some instances, turbines were relocated and, in some cases, deleted to avoid or minimize impacts in response to issues such as noise, ecological, heritage, visual amenity and community concerns.

The construction of two temporary Met Masts and one permanent Met Mast will have no adverse impacts on the subject site and surrounding area.

Vegetation Removal

It is expected that minimal vegetation removal will be required to complete the proposed development. A Biodiversity Assessment prepared by NGH Environmental and subsequent Offset Plan with State Approval for the entire Wind Farm project that captures the proposed temporary and permanent Met Masts is included with this statement as Appendix's E and F.

Noise

The development is unlikely to create any excess noise to the site or surrounding vicinity. A Noise Assessment has been considered with the initial Wind Farm Development Application and it was determined Construction noise has been found to comply with the NSW Road Noise Policy requirements.

Vehicular Access and Traffic

Site access tracks of approximately 5-6 metres wide have been proposed for the overall development to connect all of the wind turbines and associated infrastructure including Met Masts. Access to the site will be directly off the Pudman Creek Road, additional traffic generated from the proposed development does not constitute a significant increase in existing volumes.

Existing farm tracks will be utilised during the construction phase of the Met Masts.

Aeronautical

As per the Aeronautical Impact Assessment prepared for the entire Wind Farm by Landrum & Brown Worldwide (Aust) Pty Ltd and included in this Statement as Appendix H the proposed Met Masts are well below the maximum allowable height. It is noted Airservices Australia has no objection and as per the conclusion within this report it will be Councils responsibility to notify the Civil Aviation Safety Authority (CASA).

It is expected that upon 'Practical Completion' the conditional consent will include a condition that requires the applicant to supply the accurate co-ordinates of the constructed masts to Council to then be forwarded to CASA.

Decommissioning

The Proponent will engage appropriate contractors and specialists to undertake the Met Mast decommissioning and rehabilitation works once the Met Masts have collected the relevant amount of data. Manufacturer equipment manuals and procedures, where available, will be utilised to guide decommissioning and dismantling activity.

The decommissioning works involve removing all concrete off site and digging down 500mm to cut off the anchors. It is expected the decommissioning process will be carried out with due care and sympathetic to the site to ensure the site is left in a condition similar to that existing prior to construction. It is to be noted the temporary Mast is located in the position of a future wind turbine.

2.3 THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

The proposed additional infrastructure to Rye Park Wind Farm is consistent with the approved SSD 6693. A comprehensive assessment of the proposed development has recognized that the development is suitable on a local level in terms of existing and future land use impacts. While in operation the proposed Met Masts will not impact the day-to-day farming activities currently being carried out on the subject land.

The Met Mast Footprint would occupy a minor percentage of the landowner's property and through strategic planning and consultation the infrastructure will not occupy productive land. Normal farming operations may be affected during the construction phase, primarily due to increased traffic and activity on site. The magnitude of these impacts is such that it is not expected to cause economic loss to the landowners.

3. CONCLUSION

The proposed development has been prepared having regard to the environmental sensitivities of the site and will have negligible environmental impacts. The proposal is permissible with Council's consent within the zone and meets the relevant objectives of the Upper Lachlan LEP 2010.

The environmental assessment of the proposed development has demonstrated that it will have minimal adverse environmental impacts. The proposal is permissible with Council's consent within the zone and meets the relevant objectives of the RU2 Rural Landscape zone. Careful consideration has been given to the design of the proposed development to ensure that a high-quality outcome is achieved, compatible with and sympathetic to existing development.

The proposal has been prepared with respect to maintain the rural character and to protect/ enhance the biodiversity of Upper Lachlan LGA. The application is supported by appropriate documents and reports that satisfy Council's requirements and demonstrate that the site is suitable for the proposed development. It is considered that the proposal will not have a detrimental effect on the natural environment and takes into account the opportunities and constraints of the site, relevant legislation and is considered worthy of Council's support.