



Appendix H: Visual Impact Response to Submissions Report

17 August 2020

Rye Park Wind Farm Modification 1 – Response to submissions

Please find below Green Bean Design Pty Ltd (GBD) responses to submissions received following public exhibition of the Rye Park Wind Farm Modification 1 Visual Impact Assessment v6, 5 March 2020 (Mod 1 VIA).

Our response to submissions (included in Tables 1 to 4 below) has included a review of the following submissions:

- Anthony Gardner of Mount Fairy, New South Wales (S-126148)
- Tony and Penny Bickford of Rye Park, New South Wales (S-126259)
- John McGrath of Yass, New South Wales (S-126622)
- Dominica Tannock, Abbotsford, Victoria (S-126141)

Table 1 Anthony Gardner Mount Fairy New South Wales

Response ID	Submission (comment or issue raised)	Response
1.1	Swept Area – doesn't get a mention in the GBD VIA probably because the Bulletin doesn't mention it either.	The submission is correct, there is no mention of swept area or any requirement to consider swept area in the Bulletin. If, as the Bulletin states, it is applicable to the assessment of modifications, then a comparison of swept area would seem to be a logical undertaking. Nevertheless, a clear comparison of the indicative swept area between the consented and Mod 1 wind turbines has been illustrated in the Mod 1 VIA Figures 9, 10, 11 and 12.
1.2	Unfortunately they (and Moir) did not adopt the maximum rotor diameter of 170 metres.	The GBD Mod 1 VIA adopted wind turbine dimensions provided by the Proponent for the purpose of the Mod 1 VIA. GBD note that Development Consent refers to tip height only; however, to assess the potential for worst case visual effects the taller hub height was considered in our modelling.
1.3	Can anyone explain from Page 39 of the VIA: 'From a view distance of 4km the consented RPWF and proposed Mod 1 wind turbines would be perceived at less than half the height of the proposed Mod 1 wind turbine when viewed at a distance of 2.7km'.	The Mod 1 VIA report should have stated that the proposed Mod 1 wind turbine would be perceived at less than half the height of the Mod 1 wind turbine when viewed from a distance of 4km as compared to the same wind turbine at 2.7km.
1.4	As published, none of them (wireframes and photomontages) shows what the wind farm	The wireframes and photomontages presented in the Mod 1 VIA have been prepared in accordance

Table 1 Anthony Gardner Mount Fairy New South Wales

Response ID	Submission (comment or issue raised)	Response
	will look like in scale or distance from the viewpoint, either before or after the modification. I'd quote again from the Act about false or misleading statements in a planning document, but what's the point.	with industry standards. The methodology used to generate the wireframes and photomontages is set out in Sections 9 and 10 of the Mod 1 VIA.
1.5	The methodology, as proposed by GBD of assessing the VI of modifications has apparently been accepted by the Department	GBD has prepared several wind farm modification reports which have been submitted as part of Modification Applications to DPIE.
1.6	Also there is no evidence that GBD or the proponent has consulted with visually impacted residents to understand their perception of their landscape and what the introduction of 200 metre turbines will do to it.	<p>The Bulletin notes that <i>'As part of the EIS, the proponent is required to further consult with the community to verify the community consultation findings from the scoping and design stage. The findings include scenic quality classes, key viewpoints (both public and private) and key landscape features in the area. The proponent must also verify the outcomes of the baseline study. Consultation with affected landowners is also required prior to submission of the EIS.</i></p> <p>The preparation of the Mod 1 VIA is not part of the EIS which has already been prepared, therefore community consultation cannot be carried out as part of the EIS or prior to submission of the EIS as stated in the Bulletin.</p> <p>GBD note that the Proponent carried out additional community consultation for the modification which is described in Section 3 of the Response to Submissions report.</p>
1.7	Instead of the recommended ZTV distance of 45+ kms, the GBD VIA, to the North and South extends out to a distance of barely 10 (ten) kms on each of their ZVI diagrams.	The ZVI diagrams have been prepared to a distance of 10km from the wind turbine locations and is a distance considered appropriate to assess the difference in height between the consented and Mod 1 wind turbines.

Table 2 Tony and Penny Bickford of Rye Park, New South Wales

Response ID	Submission (comment or issue raised)	Response
2.1	There is significant increase in the dimensions of the proposed turbines, this increase is in no way lessened because of the reduction of 12 turbines.	The GBD Mod 1 VIA has made no statement to the effect that the reduction in wind turbine numbers will lessen the visual effect of an increase in wind turbine tip height. GBD note that the Proponent has removed an additional 3 wind turbines east of Rye Park Village resulting in a total of 15 wind turbines to be removed from the consented layout.
2.2	...the rotor span is enlarged from 80m to a 170m span...	This is not correct. The rotor span (or length of rotor blade) will increase from the consented 65m to 82.5m, a difference of 17.5m
2.3	No proper details have been provided as to the choice of turbine. There is no certainty as to the details of the chosen and results/decision.	A decision on the wind turbine make and model will be made during the project procurement process. The dimensions of the preferred wind turbine will not exceed a 200m tip height.
2.4	Cumulative impacts	The Mod 1 VIA determined that potential cumulative visual impacts (originally assessed in the Bango Wind Farm LVIA 2016) between the proposed Mod 1 wind turbines and the consented Bango Wind Farm would not increase, largely due to the removal of wind turbines within the Bango Wind Farm (Mount Buffalo cluster) and the Rye Park Wind Farm
2.5	Photomontages have been grossly inadequate and in no way present an even vaguely representation.	The wireframes and photomontages presented in the Mod 1 VIA have been prepared in accordance with industry standards. The methodology used to generate the wireframes and photomontages is set out in Sections 9 and 10 of the Mod 1 VIA.

Table 3 John McGrath of Yass, New South Wales

Response ID	Submission (comment or issue raised)	Response
3.1	Overall, the Visual Impact will be 27% greater not less as seems to be indicated by the Rye Park wind farm proponent TILT Renewables.	The GBD Mod 1 VIA has not determined visual impact as a percentage. The 27% refers to the percentage increase between the consented and Mod 1 wind turbine rotor diameter and wind turbine tip height.
3.2	Reading the section of TILT Renewables attached where is the fairness in waiting until five years after construction commences for an affected, non-associated residence's occupants within 4 kilometres of any tower to make a request for assistance from the developer?	There is no requirement for non-associated landowners to wait until 5 years after construction commences to request visual mitigation works. The consent conditions allow non-associated landowners to request visual mitigation works within a period of 5 years from the commencement of construction.

Table 4 Dominica Tannock of Abbotsford, Victoria

Response ID	Submission (comment or issue raised)	Response
4.1	At the outset, I query the decision not to assess the modification against the Visual Performance Objectives of the NSW Wind Energy Visual Assessment Bulletin (Visual Assessment Bulletin) on the grounds that this bulletin does not contain any specific objectives relevant to modification applications.	<p>The decision not to assess the modification against the Visual Performance Objectives of the NSW Wind Energy Visual Assessment Bulletin has been set out in Section 3.5 of the Mod 1 VIA.</p> <p>The Bulletin has been addressed where appropriate in the Mod 1 VIA and further addressed in the Mod 1 VIA addendum</p>
4.2	The VIA at Fig 1 and 2 contains a plan of the turbines which are to be deleted. However, this actually shows the difference between the Response to Submissions proposal and the modified proposal, rather than between the approved and modified proposal. Thus, it gives the impression of more turbines being deleted as part of the modification application than is actually the case.	The Mod 1 VIA Figures 1 and 2 have been amended and included in the Mod 1 VIA Addendum A.
4.3	The VIA concludes that there is no change in the visual impact rating for most non associated residences as a result of the modification, ³ but this quantitative analysis may overlook qualitative changes in the views experienced by the most-affected residences in the moderate to high category. The wind turbines which can be seen from these residences will obviously be larger, and therefore more prominent.	<p>The Mod 1 VIA concludes that the proposed Mod 1 wind turbines are not considered to result in a magnitude of visual change that would significantly increase visual effect associated with the consented Rye Park Wind Farm project.</p> <p>The Mod 1 VIA acknowledges that the proposed Mod 1 tip height would be discernible from some surrounding proximate view locations.</p> <p>Further to a request by DPIE an additional detailed assessment has been undertaken to identify the location of wind turbines subject to change in visibility (e.g. additional wind turbine blades or hubs that may be visible). This has been applied to dwellings with a Medium or High impact as determined by DPIE. This assessment is included in the Mod 1 VIA Addendum A.</p>

4.4	<p>In the Rye Park Wind Farm Assessment Report (the Assessment Report), the Department of Planning (the Department) expressed serious concerns about the visual impacts of the approved proposal on some residences, and only accepted these impacts on the grounds that they could not be ameliorated without threatening the viability of the project. None of these dwellings appear to have benefited significantly from the deletion of turbines. The prominence of individual turbines and risk-benefit analysis for these residences is likely to have changed, now that advances in technology have resulted in a preference for fewer, larger, turbines. The photomontages in the VIA do not demonstrate these impacts, as they only address views from public roads. In the circumstances, careful consideration should be given to the acceptability of the impacts of the modified proposal on the most affected residences.</p>	<p>Further to a request by DPIE an additional detailed assessment has been undertaken to identify the location of wind turbines subject to change in visibility (e.g. additional wind turbine blades or hubs that may be visible) from surrounding dwellings.</p> <p>This assessment is included in the Mod 1 VIA Addendum A with reference to distance thresholds (the blue and black line at 4km and 2.7km respectively) and in accordance with a 200m tip height as noted in the Bulletin.</p>
4.5	<p>It is also concerning that the VIA contains no assessment of the visual impact of night-time hazard lighting.</p>	<p>Night-time obstacle lighting was assessed in the Rye Park Wind Farm Landscape and Visual Impact Assessment November 2013 and the Revised Landscape and Visual Impact Assessment April 2016.</p> <p>The inclusion of aviation safety night lighting was approved by the SSD Consent and condition 5 of Schedule 3 of the SSD Consent was imposed to mitigate night lighting impacts.</p>
4.6	<p>At the time when the original project was assessed, the Department received advice from the Civil Aviation Safety Authority (CASA) that the proposal was not considered to be a hazard to aviation safety, and therefore that hazard lighting was unlikely to be required. As a precaution, the PAC imposed Condition 5 which required that “any aviation hazard lighting complies with CASA’s requirements”. However, in the circumstances, there was a low probability of that condition being triggered, and so the impacts of night-time lighting received little attention. That has changed with the proposal to increase the maximum height of the turbines.</p>	<p>Night-time obstacle lighting was assessed in the Rye Park Wind Farm Landscape and Visual Impact Assessment November 2013 and the Revised Landscape and Visual Impact Assessment April 2016.</p>

4.7	Therefore, it should be assumed that the modification is likely to require night-time hazard lighting where none was required for the approved project, making a visual impact assessment of night-time hazard lighting necessary.	<p>Night-time obstacle lighting was assessed in the Rye Park Wind Farm Landscape and Visual Impact Assessment November 2013 and the Revised Landscape and Visual Impact Assessment April 2016.</p> <p>The inclusion of aviation safety night lighting was approved by the SSD Consent and condition 5 of Schedule 3 of the SSD Consent was imposed to mitigate night lighting impacts.</p>
4.8	There seems to be no reasonable prospect that this impact can be ameliorated by conditions, as the lights will need to be visible for long distances in order to fulfil their aviation safety function. Partial shielding may assist to reduce the impacts of lights on stationary hubs and masts but is unlikely to reduce the impact of rotating blade-tip lights.	<p>GBD notes and concurs with the submission comment that partial shielding may assist to reduce the impacts of lights on stationary hubs.</p> <p>GBD are not aware of any CASA requirement, or operational wind farm projects, where night-time obstacle lights have been installed to wind turbine blade tips.</p>
4.9	Therefore, a visual impact assessment which ignores the impacts of night-time hazard lighting is inadequate and does not permit the consent authority to properly consider the visual impacts of the proposal.	<p>Night-time obstacle lighting was assessed in the Rye Park Wind Farm Landscape and Visual Impact Assessment November 2013 and the Revised Landscape and Visual Impact Assessment April 2016.</p> <p>The inclusion of aviation safety night lighting was approved by the SSD Consent and condition 5 of Schedule 3 of the SSD Consent was imposed to mitigate night lighting impacts.</p>