



Appendix N: Response to Submitter S-126141

Response to Submissions Rye Park Wind Farm

1. Response to the Submission Made on Behalf of Andrew Field

Mr Andrew Field owns “Wattle Vale”, which is located approximately 1.07 km from the Project. Mr Field provided a detailed submission on the Proposed Modification which was prepared by his legal representatives (**Mr Field's Submission**). Mr Field's submission was also supported by a report prepared by L Huson & Associates Pty Ltd in relation to noise issues (**Huson & Associates Report**). Given the detailed nature of Mr Field's Submission and that a number of other community members indicated that they adopted it in their submission, Tilt Renewables has summarised and responded to each of the key points raised in Mr Field's Submission.

#	Issue	Response
Visual Impacts		
1	The Proposed Modification has not been assessed against the Visual Performance Objectives of the <i>NSW Wind Energy Visual Assessment Bulletin</i> (Visual Assessment Bulletin).	<p>The <i>Visual Impact Assessment</i> prepared by Green Bean Design (Appendix G.1 to the Modification Application Report) (Modification VIA) confirms the visual impacts of the Proposed Modification have been assessed in accordance with the Visual Assessment Bulletin:</p> <p style="text-align: center;"><i>This VIA has been prepared with regard to the visual assessment process outlined in the New South Wales State Government Wind Energy: Visual Assessment Bulletin December 2016 (the Guidelines) as applicable to the Rye Park Wind Farm (RPWF) Mod 1 Application.</i></p> <p>The Visual Assessment Bulletin includes two stages:</p> <ul style="list-style-type: none"> • Stage 1 - Preliminary Environmental Assessment. This part of the Visual Assessment Bulletin is carried out pre-lodgement and is designed to determine the level of assessment proposed to inform a request for Secretary's Environmental Assessment Requirements (SEARs) for new wind farm projects. Given that the visual impacts of the approved Rye Park Wind Farm were extensively assessed and considered prior to the Development Consent being granted, the Department confirmed that it did not propose to issue any SEARs in relation to the Proposed Modification. This reflects the standard approach taken by the Department in relation to wind farm modification application. Accordingly, Stage 1 of the Visual Assessment Bulletin is not relevant to the assessment of the Proposed Modification in the Modification VIA. • Stage 2 - Assessment and Determination. This part of the Visual Assessment Bulletin is concerned with the manner in which visual assessments of wind farms should be carried out and ultimately assessed by the Department. In determining a modification application under the EP&A Act, the consent authority is required to consider the impacts of the Proposed Modification only, and not the impacts of the already approved Project. Accordingly, the Modification VIA was prepared having regard to the visual assessment process and objectives

		<p>contained in the Visual Assessment Bulletin to the extent these are relevant to the Proposed Modification to the already approved Project. Importantly, the Proposed Modification does not propose to vary the location of any of the already approved wind turbines but does propose:</p> <ol style="list-style-type: none"> 1. an increase in the maximum wind turbine envelope; and 2. a reduction in the maximum number of turbines from 92 to 77. <p>It is the visual impacts arising from these changes, and the other changes forming part of the Proposed Modification which are legally required to be assessed and considered.</p> <p>The <i>Visual Impact Peer Review</i> prepared by Moir Landscape Architecture (Appendix J to the Modification Application Report) (Visual Impact Peer Review) confirms that this approach is appropriate.</p> <p>It is also important to note that this reflects the approach taken to assessing other wind farm modification applications in NSW as the standard approach of the Department is to not issue SEARs for wind farm modification applications, with the result that Stage 1 does not apply.</p> <p>The Visual Response to Submissions report (RTSR) prepared by Green Bean (contained in Appendix H of the RTS) further addresses the Visual Assessment Bulletin.</p>
2	<p>Figures 1 and 2 of the Modification VIA show the difference between:</p> <ul style="list-style-type: none"> • the 109 wind turbine layout assessed in the 2016 LVIA and the Proposed Modification; rather than • the approved 92 turbine layout approved Project and the Proposed Modification. 	<p>The Modification VIA makes it clear that:</p> <p><i>Other than the removal of 12 consented RPWF wind turbines, no other changes are proposed to the consented turbine locations as part of Mod 1. The consented and Mod 1 wind turbine locations and residential dwellings out to 4km from the Mod 1 wind turbines are shown on Figures 1 and 2.</i></p> <p>The 2016 LVIA, which assessed the then proposed 109 wind turbine layout, is the most recent comprehensive visual impact assessment of the Rye Park Wind Farm. To enable the community and the Department to understand the changes made to the Project since the 2016 LVIA and now proposed as part of the Proposed Modification, Figures 1 and Figures 2 of the Modification VIA show, and clearly mark as removed, both the turbines removed the Planning Assessment Commission and the turbines now proposed to be removed by the Applicant.</p> <p>The Modification Application Report clearly specifies the approved turbines proposed for removal as part of the Proposed Modification in Table 10 and Figures 2, 3 and 4.</p> <p>However, in the interests of ensuring the greatest possible clarity, an updated version of Figures 1 and 2 to the Modification VIA has been prepared and included in the (Revised VIA contained in Appendix C) which shows the:</p> <ul style="list-style-type: none"> • turbines which were assessed in the 2016 LVIA but removed by the Planning Assessment Commission and so which do not form part of the Approved Project in Black; and • further turbines proposed for removal as part of the Modification Application in Orange. • further three turbines now proposed for removal as part of

		the Final Modified Project in Pink.
3	The quantitative analysis contained in the Modification VIA which concludes that there is no change in the visual impact rating for most non-associated residences may overlook qualitative changes in the views experienced by the most-affected residences in the moderate to high category as the wind turbines which can be seen from these residences will obviously be larger, and therefore more prominent as a result of the modification.	<p>The Modification VIA considers both the quantitative and qualitative visual impacts of the Proposed Modification. As is made clear in the Modification VIA:</p> <p><i>Given the parameters of normal human vision include an approximate horizontal 180 degree field of view, and an approximate combined vertical 135 degree field of view, the Mod 1 wind turbines are not considered to give rise to any significant additional magnitude of visual change for the proposed Mod 1 wind turbines. Figure 12 illustrates the perceived and relative height difference between the consented RPWF wind turbine and the Mod 1 wind turbine. 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 increase in view angle toward the proposed Mod 1 wind turbine tip height, at a view distance of 4km (and beyond) is considered to be a small increase within the field of view of normal human vision.</i></p> <p>Green Bean Design has addressed this issue in Response ID 4.3 in the Visual RTSR (Appendix H of the RTS).</p>
4	Notes that the Department initially recommended removal of a number of turbines on the grounds of visual impacts on some dwellings and that these turbines were ultimately approved by the Planning and Assessment Commission. States that none of the residences affected by the visual impacts from the turbines originally recommended for removal have benefited from the deletion of turbines.	<p>As noted above, in determining a modification application under the EP&A Act, the consent authority is required to consider the impacts of the Proposed Modification only, and not the impacts of the already approved Project. Accordingly, the fact that the already approved Project includes a number of turbines which were previously recommended for removal by the Department but were ultimately approved is not relevant to the Proposed Modification.</p> <p>The Applicant has removed an additional three wind turbines east of Rye Park Village resulting in a total of 15 wind turbines to be removed from the consented layout. For further details see Section 4.2.5 of the RTS report, Appendix C Revised VIA of the RTS report and Appendix H Visual RTSR of the RTS report.</p>
5	Notes that the photomontages in the Modification VIA largely show views from public roads and do not demonstrate the impact of the larger turbines on the most affected residence.	<p>The Modification VIA includes wire frames which have been prepared for 38 non-associated residences which demonstrate the difference between the visual impacts of the Approved Project and the Proposed Modification on a conservative basis. As the Modification VIA makes clear:</p> <p><i>The wire frame diagrams do not include, or illustrate, the location of tree cover, or built structures between the wire frame viewpoints and the consented RPWF and Mod 1 wind turbines. The wire frame diagrams are therefore considered to be very conservative in both the extent of view and visibility of wind turbines indicated in each wire frame diagram.</i></p> <p>The approach taken in using wire frames, which do not include any tree cover or built structures between the non-associated residence and wind turbines enables a conservative assessment of the impacts on non-associated residences (which, owing to screening provided by vegetation around those residences may in fact be much less impacted).</p> <p>The photomontages provided in the Modification VIA are</p>

		<p>considered to be representative of the general level of visual change resulting from the Proposed Modification as assessed using the wire frames.</p> <p>The approach taken to assessing the visual impacts of the Proposed Modification in the Modification VIA was peer reviewed by the Visual Impact Peer Review. The Visual Impact Peer Review concludes that:</p> <p style="text-align: center;"><i>The selection of wire frame views provides an appropriate comparison of the approved and Mod 1 turbines from receivers most likely to be impacted.</i></p> <p>See Appendix H Visual RTSR of the RTS report for further details.</p>
6	The Modification VIA contains no assessment of the visual impact of night-time aviation hazard lighting	Please refer to Section 4.2.3 of the RTS report - Aviation Hazard Night Lighting for a detailed response on this issue.
Noise Impacts		
7	Concern that the Modification Application Report indicates the increase in the size of the proposed turbines will change the impacts of the development from barely compliant to non-compliant at a number of sensitive receivers.	<p>The Applicant is aware that it will need to ensure full compliance with the operational noise limits applying under the Development Consent and the environment protection licence required for the Project. Failure to do so is a criminal offence with significant penalties applying under both the EP&A Act and the <i>Protection of the Environment Operations Act 1997</i> (NSW).</p> <p>The <i>Modification Environmental Noise Assessment</i> prepared by Sonus (Appendix G.3 to the Modification Application Report) (Modification Noise Assessment) included conservative modelling, based on a wind turbine model which has one of the highest noise emissions of those currently on the market, and has been used to provide a conservative 'worst case' assessment. This modelling identified some potential exceedances of the operational noise levels permitted by Condition 11 to Schedule 3 to the Development Consent at four non-associated residences during high wind speed events unless noise mitigation measures are implemented (with the greatest modelled exceedance being 2dB).</p> <p>The modelled exceedances are only projected to occur during wind speeds of greater than 8m/s. At these wind speeds, it is very likely that the noise emitted from turbines would be substantially lower than environmental background noise at the relevant non-associated residences caused by moderate to high wind levels (such as trees, rustling and wind passing over features of the built environment).</p> <p>The Applicant is fully committed, and is legally obligated, to implement noise mitigation as required to ensure full compliance with the operational noise limits imposed under the Development Consent and which will be imposed under the environment protection licence. This includes by ensuring relevant turbines are operated in low noise mode as required to ensure fully compliance as outlined in the Modification Noise Assessment.</p> <p>Conditions 13 and 14 of Schedule 3 to the Development Consent provide for operational noise monitoring to enable compliance with the operational noise limits, as determined in accordance with the detailed technical guidance in Appendix</p>

		4, to be verified.
9	Accuracy of the noise modelling undertaken is disputed based on the findings of the Hunson & Associates Report.	Sonus has addressed this issue in the Noise RTSR which is contained in Appendix K of the RTS report.
10	The assessment of construction noise does not consider the extent to which construction noise is likely to increase as a result of the modification.	Section 6.2 of the Modification Noise Assessment assesses the impacts of construction noise resulting from the Proposed Modification in detail, and set out mitigation measures to ensure that construction noise complies with condition 7 of Schedule 3 to the Development Consent. This condition requires that construction noise be minimised and managed in accordance with the best practice requirements outlined in the Interim Construction Noise Guideline (DECC, 2009). The Revised ENA prepared by Sonus has further assessed the construction traffic noise impacts associated with the Final Modified Project (contained at Appendix J).
Biodiversity Impacts		
12	Concerns about the updated clearing calculations included in the Modification Application Report and increased Development Footprint, including that: <ul style="list-style-type: none"> these suggest the extent of clearing was underestimated in the original assessments prepared in relation to the Project; and the Proposed Modification should include and assess the changes to the Development Footprint. 	The Modification Application Report makes it clear that the Proposed Modification includes changes to the Development Corridor and Development Footprint, including as a result of, optimised design assumptions including location and design of internal access tracks and other supporting infrastructure. The changes proposed to the Development Corridor and Development Footprint are accordingly included as part of the Proposed Modification and have been assessed in detail in the Rye Park Wind Farm - Biodiversity Development Assessment Report (BDAR). The BDAR has been updated for the Final Modified Project which is contained in Appendix B of the RTS.
13	Concerns regarding the increase in clearing of White Box Yellow Box Blakely's Red Gum Vegetation Endangered Ecological Community to a total of 38 ha and whether this level of clearing is authorised under the approval granted for the Project under the <i>Environment Protection and Biodiversity Conservation Act 1999 (Cth)</i> (EPBC Act).	Condition 19 of Schedule 3 to the Development Consent requires that: <i>the Applicant must ensure that no more than 50.2 hectares of the Box Gum Woodland EEC, including Box Gum Woodland derived grassland, is cleared for the development, unless the Secretary agrees otherwise.</i> In addition, conditions 20 to 22 of Schedule 3 to the Development Consent require that: <ul style="list-style-type: none"> biodiversity offsets must be provided for all biodiversity offset credit liabilities; and a detailed Biodiversity Management Plan be prepared and implemented to the satisfaction of the Secretary of the Department. The Modification BDAR assesses the changes to the Development Corridor and Development Footprint proposed as part of the Proposed Modification in accordance with the Biodiversity Assessment Method (BAM) required under the <i>Biodiversity Conservation Act 2016 (NSW)</i> . The Modification

		<p>BDAR confirms:</p> <ul style="list-style-type: none"> • that the amount of White Box Yellow Box Blakely's Red Gum Vegetation Endangered Ecological Community required to be cleared as a result of the Proposed Modification is reduced to 10.71ha below the maximum permitted by the Development Consent; and • the offset credits which are required and will be provided to offset all impacts of the Modified Project. <p>As outlined in the Modification Application Report, it is proposed to re-refer the Project under the <i>EPBC Act</i> independently to the current modification application which is being assessed under the EP&A Act.</p>
14	<p>Concerns regarding the level of assessment carried out in the Modification BDAR in relation to:</p> <ul style="list-style-type: none"> • impacts on hollow-bearing trees; • habitat fragmentation; and • the extent to which the Biodiversity Management Plan required under the conditions of the Development Consent will appropriately manage impacts. 	<p>Umwelt have addressed these issues in the Biodiversity RTSR (contained in Appendix F of the RTS report) and the Revised BDAR (contained in Appendix B of the RTS report).</p> <p>Umwelt have considered and assessed these issues in the Revised BDAR in line with the Biodiversity Assessment Method and existing conditions of the Development Consent requiring a detailed Biodiversity Management Plan be prepared and implemented to the satisfaction of the Secretary of the Department.</p>
15	<p>Concerns regarding the methodology applied in the Bird and Bat Assessment including:</p> <ul style="list-style-type: none"> • the basis of predictions regarding bird behaviour; • sample size of observations; and • potential impacts on the Wedge Tailed Eagle. 	<p>Umwelt have addressed these issues in the Biodiversity RTSR (contained in Appendix F of the RTS report) and the Revised BDAR (contained in Appendix B of the RTS report).</p>