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# Upper Lachlan Shire Council

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**Our Ref: F13/107**

**Your Ref: SSD 13\_6039**

1 July 2014

Resource Assessments  
Department of Planning and Environment  
GPO Box 39  
SYDNEY NSW 2001

Attention: Tracy Bellamy

Dear Madam

**RE: SUBMISSION – BIALA WIND FARM – SSD 13\_6039**

Reference is made to the invitation to provide a written submission to the Biala Wind Farm proposal.

Council is providing a submission to the NSW Department of Planning and Environment advising of issues relevant to Council regarding the Environmental Impact Statement for the Biala Wind Farm including the following:

In accordance with the provisions of the Director General's Requirements the proponent is required to consider any relevant statutory provisions, including any relevant development control plans. The proponent's response to this requirement was considered inadequate.

The following is a summary of Council's interpretation of the proponent's response to Clause 9.5 Wind Farm of the Upper Lachlan Development Control Plan 2010:

- **The developer must assess the visual impact of the project including an assessment of scenic value. The developer must consult with the Council and the community on appropriate visual impact measures;**

The proponent has stated that potential visual impact of the project from selected viewpoints should be mitigated by planting vegetation close to the view locations. The location and design of screen planting used as a mitigation measure is site specific and requires detailed analysis of potential views and consultation with surrounding landowners during the detailed design phase. It should be noted that Council does not support roadside tree planting as a screening mitigation measures.

- **Turbine locations are to be sensitive to existing related dwellings on the subject site. Noise and shadow flicker should be minimised and turbines should not be located in close proximity to existing dwellings;**

The assessment of theoretical shadow flicker duration shows that 5 of the dwellings identified by Newtricity are predicted to experience some level of theoretical shadow flicker within 50m of the house location. Four of these dwellings are also predicted to be affected by theoretical shadow flicker durations of greater than the NSW Guidelines recommended limit of 30 hours per year within 50m of the house locations, however these are all stakeholder dwellings.

It is understood that Newtricity has approached the landholders of the four dwellings (fifth one yet to be constructed) where shadow flicker limits are predicted to be exceeded, and have obtained agreement from the landholders that the predicted shadow flicker durations are acceptable.

This statement will need to be substantiated.

- **A Communications Study should identify the existing status of communications and detail the proposed method of dealing with potential communication interference. Developers are advised that many parts of the Upper Lachlan Shire have very poor radio, TV, mobile phone, two way reception and the like. The development should not detract from the reception of any of these or other communication methods. Where necessary, it may be required to install additional services (boosters/communication towers/ re-transmission towers etc) to maintain such services in the vicinity of the development. Where this is determined to be necessary, the work and equipment shall be at the developers cost;**

Concerns are raised as to the proponent's commitments to rectify communications issues if they arise. There is no commitment to the process or timing of any proposed mitigation measures.

## **TRANSPORT AND ACCESS**

### Generally

Table 4.1 figures should be doubled (rather than hiding the facts behind fine print).

Table 4.1 and 4.2 should provide information on the same basis i.e. over all trips/turbine or max daily trips/turbine.

Section 4.2.1 Summary – All traffic should be shown (not half) as empty trucks will still occupy space on the road and have the potential to be involved in crashes.

Section 4.5.2 Sight Distance – is substandard at the northern most and southern accesses. The proponent has suggested that a speed limit could be utilized to reduce sight distance



requirements. ULSC property access standards require that an 85<sup>th</sup> percentile speed of 70km/hr exists for a sight distance of 150m. Unfortunately it is unlikely that motorists would obey such a speed limit in an isolated situation. To overcome this, the proponent must consider 'micrositing' the accesses to improve sight distance.

Section 4.5.3 – The warrants for turning lanes has been poorly dealt with in the traffic Impact Assessment. In the assessment, the traffic generated by the development appears to have not been added to the base line traffic on Grabben Gullen Road. Given that the intersections are not located in the most ideal positions, further consideration should be given to BAR/BAL treatments. Also the base line traffic value used was 50vpd –Council measured 480 AADT in 2013 (it would be more appropriate to use a baseline figure of 550vpd).

### **Section 13.2.1 Existing Road Network**

Grabben Gullen Road (MR52) – is a Regional Road (not a State Road) and is controlled by ULSC (not RMS);

Kialla Road was only partly reconstructed for Gullen Range Wind Farm – 7.7kms of it was not reconstructed and will require re-assessment before use by RAV's;

### **Section 13.3.1 Proposed Transport Routes**

ULSC prefers the use of Route 4A for RAV's; however the following issues must be addressed by the proponent:

Part of Kialla Road that hasn't been reconstructed must be reassessed to determine if it is able to carry the loads imposed upon it. There is 7.7kms of the road that is in this condition;

ULSC will not allow Route 4A to be used for heavy construction and light vehicle traffic associated with the development. This is due to the route traversing through residential areas. To use the route for all traffic to development would introduce safety concerns and also result in many complaints from the local residents. ULSC expects the proponent to implement systems that:

- a) Identify all vehicles that are associated with the development.
- b) Ensure that all vehicles use routes that have been identified for use by the development.

There are four causeways on Kialla Road that will be impassable by SPV's carrying 70m blade segments. It should be noted that the SPV's carrying the 50m blade segments for the Gullen Range development "bottomed out" on the causeways, causing damage to the road surface;

The part of Range Road from Kialla Road to Grabben Gullen Road is not in a satisfactory condition to carry the projected overmass and overdimension traffic. The proponent will be required to drain and reconstruct the majority of this part of Range Road. The length of road involved is 7kms;

The turning circle diagrams shown on drawings 01, 06, 07, 08, and 08 contain many errors. These must be corrected and the intersection modifications redesigned. ULSC is particularly concerned that drawing 07 of 22 shows a tree to be 'trimmed' on the inside of the Grange Road / Cullen Street. This tree is a protected, rare specimen of Australian Red Cedar and must not be touched. The intersection must be redesigned to move the travel path well away from inside of the curve (and the tree);

The developer must provide design drawings for each access proposed to be constructed on MR54 to show that adequate room exists between the edge of MR 54 and the gate (or whatever other device) that regulates access into the property.

ULSC has used speed limits on roads leading to two other wind farm developments with considerable success. The imposition of the limits improved the interaction between heavy vehicles and other road users considerably. Unfortunately, the current standards for the imposition of speed limits fail to address these situations adequately, with RMS being unlikely to support the imposition of limits and also likely to direct ULSC to remove any limits that it might impose itself.

ULSC endorses the use of Route1 – Grabben Gullen Road for use by heavy construction traffic and light traffic. However, the following should be noted:

Route1 is not a B-Double Route;

Route1 comprises thin; old pavements that will require some strengthening prior to work commencing and will also require rehabilitation post construction.

- **Details of the proposed connection to the electricity reticulation network shall be included as part of the Development Application Environmental Assessment.**


Department of Planning and Environment to confirm arrangements are in place.

- **Community Enhancement Program**

Council considers that the proponent has not addressed Clause 3.17 Community Enhancement Program – Upper Lachlan Development Control Plan 2010. Therefore, in lieu of a detailed response from the proponent, Council shall require the imposition of a condition that states: "Prior to the commencement of construction of the project, the proponent is to prepare a Community Fund Program prepared in consultation with the Council to be funded by the proponent at a minimum rate of \$2,500 per constructed turbine per annum (indexed to the consumer price index for Sydney (Housing) commencing at the September 2010 quarter). The Community Enhancement Program is to be managed by a legal entity established in accordance with the Local Government Act 1993.

For any further information or clarification please contact Council during office hours.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Dodson', written in a cursive style.

Tina Dodson

**Director Environment and Planning**

For

JK Bell

**General Manager**

**Upper Lachlan Shire Council**