

To Whom It May Concern:

Submission regarding state significant development –

Biala Wind Farm Project

Application no SSD 13_609

Thank you for the opportunity to respond to the exhibition of the state significant development application of the Biala Wind Farm project and the project's Environmental Impact Statement (EIS).

This document has been prepared by local residents and affected farmers on behalf of the Biala Landscape Protection Group from the potentially affected project area and the proposed transmission line corridor study area. The submission has also had some support from planning consultants, Anthony Daintith Town Planning, Bathurst.

Please note our formal objection to the project on the following grounds:

- The project not including application to build the necessary transmission line infrastructure, and the transmission line being subject to separate, less onerous regulatory approval.
- The EIS does not meet NSW Department of Planning and Environment requirements stipulating the proponent must satisfy the department of a certain grid connection option.
- The EIS identifies several significant cultural heritage areas of importance in the project area and we feel similar issues would be identified in any final transmission line corridor, highlighting the need for the project to be assessed with the inclusion of the transmission line.
- The proponent has not adequately addressed the issue of rehabilitation and we raise significant concerns about the level and cost of rehabilitation of the area when the project expires.
- This project compounds and reinforces community concerns about the cumulative impact of wind farms in the region and we note the impact this is having on property values, social cohesion and visual amenity in the Crookwell-Gunning-Collector region.

The EIS does not address social impacts as required by the revised Secretary's environmental assessment requirements (SEAR).

- The EIS fails to adequately address transport impacts, in particular the increased risks posed to children travelling on local bus routes directly in the proposed project area.
- The EIS fails to address the impacts to the Upper Lachlan Shire Council, specifically the increased workload in planning, monitoring and compliance for the project.

Please find accompanying detail underpinning the above-mentioned reasons for objection.

This project development application by the proponent, Newtricity, lacks significant detail in key areas, particularly on social impacts and rehabilitation. The proponent has only specified a broad range in relation to turbine height and size, therefore any details about the amount of power it generates are vague and based on assumptions, as too are any benefits it claims this project will deliver.

The failure alone of the proponent to definitively identify the corridor for the transmission line should be grounds enough for the project application to be refused.

We look forward to your response.

Signed by:

John and Margaret Emery, "Collingwood", Gunning.

Charles and Lucy Knight, "Collingwood", Gunning.

Marcia and Richard Medway, "Tolldale", Gunning.

Brent and Susan Medway, "Tolldale," Gunning.

Greg and Patricia Hallam, "Springfield," Gunning.

Dominic and Rebecca Hallam, "Springfield," Gunning.

Michael and Frederique Katz, "Clear Hills," Gurrundah.

Tim and Libby Hobbs, "Avondale," Gunning.

Don and Madeline Guilfoyle, Birroon Station, Gunning.

Richard Whalan, Birroon Station, Gunning.

Stephen and Maureen Clancy, "Oakleigh," Gunning.

Stephen and Jennifer Medway "Hillcrest", Gunning.

Dean Lawton and Kim Stewart, Gunning.

Objection: the separation of the transmission lines from the project

The Development Application for this project should be rejected on the grounds the EIS does not include plans for the construction of the accompanying transmission line infrastructure, without which the wind farm could not proceed.

While the proponent has applied for approval of the transmission line under Part 5 of the EP & A Act, this submission argues the project should be considered as one as transmission lines are the major piece of necessary infrastructure, without which the wind farm project could not operate.

According to the NSW Department of Planning and Environment's own advice on Part 5, the regulations are for public authorities. Newtricity is not a public authority.

Part 5 regulations are for projects that do not require development consent, such as roads and railways. As the necessary supporting infrastructure for a project which does require development consent, we argue the application does not meet the government's own Part 5 requirements, and the project application is flawed, as is any determination of the transmission lines under Part 5.

We have been told that the proponent will undertake a 'Review of Environmental Factors', which will be self-assessed. This is not adequate for a private development project.

Wind Farm proponent, Newtricity, states Essential Energy will be gifted the lines on completion of construction, and the NSW Department of Planning has advised Essential Energy would have to be the proponent for the Review of Environmental Factors (REF).

But advice from Essential Energy reveals it will play no role in determining the route for the line. (Full letter attached – document 1)

"While Essential Energy is accredited, we do not generally provide design and construction services to the contestable market as a standard business function.

"We have advised Newtricity that designs for construction of the new powerline and any alteration or reconfiguration of existing infrastructure must be submitted for our certification prior to construction. We have also advised that the proposed powerline must be constructed in compliance with our design and construction standards and be subject to a separate environmental assessment under Part 5 of the Environmental and Planning Act.

"The Department of Planning refers to Essential Energy as the proponent of the powerline in the context of determining a Review of Environmental Factors (REF) associated with the proposed powerline corridor, this being the separate environmental assessment. In this context, Newtricity is responsible for selecting a suitable powerline corridor/route, undertaking and providing the REF to Essential Energy for the proposed powerline route."

This submission argues the responsibility for the REF should lie with the party which selects the corridor, registers easements, designs and constructs and ultimately pays for the line. That is not Essential Energy, and the proponent is therefore not a public authority. The application to have the lines assessed under Part Five makes no sense given a private entity is financing an overseeing the

line construction.

This submission also refers to concerns raised by NSW planning authorities over the application to split the project.

We refer to correspondence 20/11/14 between NSW Department of Planning and a consultant acting on behalf of Newtricity, obtained under Government Information Planning (GIPA) laws, which reiterate “the Department of Planning’s preference for all components of the project to be assessed wholistically (sic) under Part 4 of the EP&A”.

The correspondence goes further to make clear that if the proponent elected to pursue Part Five for the transmission line ‘the EIS must satisfy the department that there is a feasible and certain grid option connection’.

The following point in this submission argues there is no route option or certainty over how and where the project will connect to the grid, and any references to options are either vague, outdated, or indefinite.

Objection – there is no defined transmission line route

The Revised SEAR requires the EIS to:

- Provide an overview of the approvals process for the transmission line connection to the existing high voltage electricity network under Part 5 of the EP&A Act including timing, responsibilities, and how this process would integrate with the planning and development of the wind farm under Part 4 of the EP&A Act;
- sufficient information to demonstrate the feasibility of the transmission line having regard to the acceptability of likely environmental impacts (including cumulative impacts), land use constraints, and any technical constraints

The EIS does not provide sufficient information to demonstrate the feasibility of the transmission line. In fact we are aware that there has not been agreement by local landholders for a transmission line easement.

The EIS does not meet NSW Department of Planning and Environment requirements stipulating the proponent must satisfy the department of a certain transmission line route.

In a meeting between the Department of Planning and parties acting on behalf of the proponent on 20/01/15 Planning's Energy Projects Team Leader, Neville Osborne, cautioned against the removal of the transmission line from the project.

The proponent (or those acting on its behalf) were advised by Mr Osborne "the EIS will need to contain information to satisfy the department of the certainty of the TL connection, detail the corridor and address environmental, social and access to land impacts. **Should these issues be determined to be considered marginal then the project may be considered marginal**".

The EIS refers to three different route options – the first, its initial preferred (option 1) west 1, which was revised to west 2, and the once abandoned, now back on the table Eastern route (option 2).

West 1 is apparently not proceeding due to landholder refusal, west 2 is listed as the next most feasible, yet a significant level of landholder refusal and verbal advice from one of the consultants involved in landholder negotiations on behalf of the proponent, John Wilcox, would also suggest this option will not proceed.

Refusal by some landholders approached regarding the east 2 suggests agreement on this route is unlikely.

This submission finds details contained in the Clarence Consulting Line Route Options (Volume 2- Annex B) are significantly deficient.

Its statement regarding the original west 1 option 1 reads "community and landowner consultation has initially been undertaken on the basis of this corridor and early indications in landholder consultation suggested a more practical route for the transmission line could be further west than initially anticipated." (pg13 – volume 2). This statement does not align with the reality that landowners along this route do not want the line on their properties.

They note 12 dwellings are in the vicinity of the corridor, with none in the corridor.

We find desktop studies are inadequate for a proper assessment of a transmission line corridor.

Without detailed ecological and archaeological surveys Option 2 cannot be eliminated. The argument that option 2 would mean a widening of the easement from 40m to 60m is meaningless without a detailed environmental assessment.

In fact, correspondence between the Office of Environment and Heritage to the Department of Environment and Planning states “The transmission line has the potential to have large impacts on the local and regional biodiversity and ACH and must be thoroughly surveyed by the proponents as we have previously outlined” (ANNEX A, p. 9, letter dated 9 Jan 2015).

The EIS dismisses the eastern option (connecting to the Gullen Range Substation) “for technical and commercial reasons”. There are no details or explanations of these reasons provided in the EIS. We believe the elimination of an option without providing clear reasons is inadequate and unjustified.

There is no validation of the statement “the existing 132 kV network is better suited to the scale of the Biala Wind Farm” [ANNEX B, p.6]. Without additional evidence it would seem this is driven by commercial considerations.

In file notes obtained under GIPA laws, the department was advised by Clarence Consultants that “only the southern option would be pursued due to commercial risks and potential impacts with the eastern (Gullen Range connection) option, including higher infrastructure investment (4-5 times more expensive on 330kV than 132 kV) and Aboriginal and vegetation issues”.

As the powerlines are to be considered as part of a separate approval process, the submitted aeronautical assessment does not address those potential hazards – this could be substantially more due to the length of the associated powerlines.

This submission finds there are vague and inconclusive details surrounding the route for the transmission line, and as such argue the proponent cannot satisfy that it has a suitable route progressed which can subsequently be extensively and exhaustively examined for the purposes of the EIS.

Objection: rehabilitation details inconclusive

As residents with concerns about protecting the future viability, profitability and value of land in this region we are alarmed by the lack of detail surrounding remediation and rehabilitation of the wind farm project site.

In addition, much of the detail contained in the EIS on rehabilitation is meaningless because the company has confirmed publicly that it does not intend to construct or operate the project, but sell it to another developer, (CCC meeting 21/7/2015) raising significant concerns about who ultimately should be charged with the cost and responsibility for remediating the site.

The indicative lifespan of the project as outlined in the EIS is 25 years, and on reaching that stage the windfarm may remain and be upgraded – or alternatively decommissioned and rehabilitated. There is no certainty either way, leaving a particularly open-ended outcome in terms of rehabilitation and the return of the land to its original condition.

The EIS refers to “reasonable” levels of rehabilitation – this sounds like the proponent or eventual owner will try and do the bare basics and nothing more and is a deviation from the ‘rehabilitate back to original state’ claim.

One concern with the rehabilitation standards is that the onus for decommissioning the site falls with the company applying for consent, and not the wind farm host or land owner.

Assuming this wind farm project is sold, a new project developer may not commit to suitable rehabilitation standards, and there is no certainty as to who will pay to have the site remediated. What if the project developer goes broke?

More surety is needed by way of an up-front cash fund, more than just a bond, which can adequately cover the cost of remediation, and ensuring responsibility for removal of unused turbines and associated wind farm infrastructure rests ultimately with the landholder.

We ask you to advise what process the Department of Planning and Environment will be adopting to ensure these matters are adequately addressed by the proponent in their proposal. Other questions and concerns we have regarding rehabilitation are outlined below.

- Who will be the arbitrator if there is a dispute over what is reasonable in relation to rehabilitation?
- There is no mention anywhere of the requirement of a contamination report (near the turbines or substation)

Each concrete pad foundation is to be left behind and covered in clean fill material – the area will then be ‘adequately graded’ to reflect slope and soil erosion.

We are unsure what the long-term ramifications of this may be to the environment. On one hand it is clear tonnes of large and unsightly concrete will not be removed, meanwhile attempts to cover them may cause a bigger environmental problem.

The NSW Department of Planning and Environment must clearly outline responsibilities for decommissioning; for example, it is not clear how much money needs to go into the decommissioning bond. Who determines the size and regular contributions and the monitoring program for the decommissioning? There must be agreement before construction commences and a decent contingency allowance in place.

We point to legislation currently being enacted in the UK to provide adequate protections and allowances for wind farm decommissioning.

The proponent indicates it will remediate “substantial” degradation – what does substantial mean? This is very subjective and we would expect that any degradation be rehabilitated to pre-development standards.

It is debatable whether all of the decommissioning and rehabilitation could be completed within 12 months

The decommissioning and rehabilitation costs are a guess at this stage and accordingly the decommissioning fund may not be sufficient – this will potentially leave the land owner, and more importantly the region, with a significant environmental problem at the end of the project.

The wind farm company must be monitored to ensure that the decommissioning and rehabilitation plan is regularly updated and as information comes to hand is included (especially regarding any specific costs).

Contributions to the fund should be indexed or adjusted depending upon the final decommissioning and rehabilitation costs.

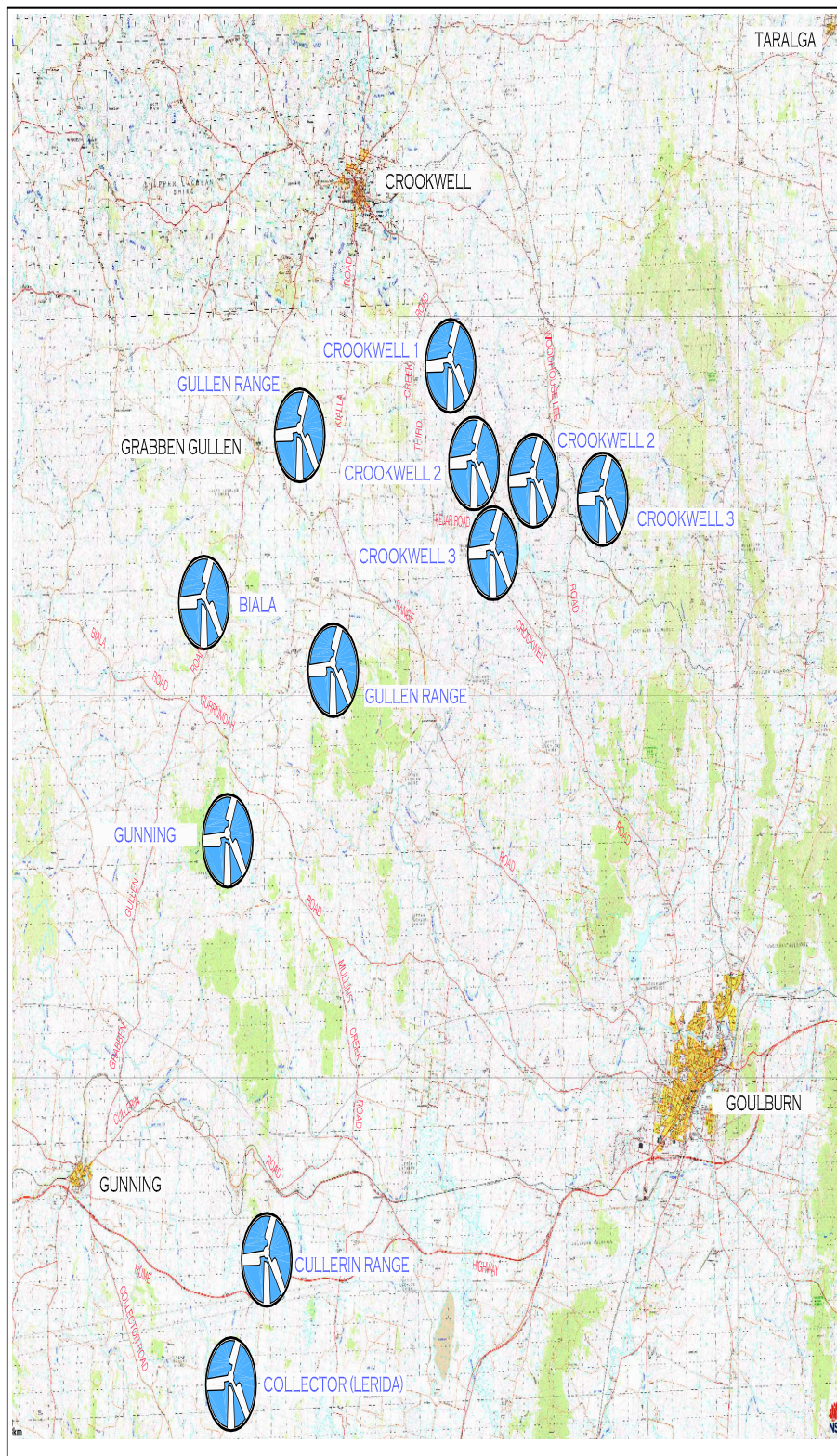
Objection – cumulative impact:

We hold legitimate concerns about the visual impact of another wind farm in our region, and the flow on effects this will have on property values, ongoing agricultural activities and the impact on property development.

We challenge the relevance of the ERM & Reark 2007(a), 2007 (b) and 2008 community perception surveys and the Department of Environment, Climate Change & Water 2010 study to consider community attitudes towards wind farms in NSW [EIS MAIN REPORT p.11-13]. We believe there has been a shift in community perceptions of wind farms in the past five years and argue that there is less support for wind farms today.

Within a half-hour radius of the proposed wind farm, there are already 127 turbines in operation. A further 129 are approved awaiting construction, and now 31 proposed at Biala.

Extend the cumulative impact scope to nearby areas of Taralga, Tarago, Bungendore, Yass, Rye Park and Boorowa and the NSW Southern Tablelands is at saturation point.



SCHEDULE

- Crookwell 1 - 8 turbines - Operating
- Crookwell 2 - 46 turbines - Approved
- Crookwell 3 - 28 turbines - Approved
- Gullen Range - 73 turbines - Operating
- Gunning - 31 turbines - Operating
- Cullerin Range - 15 turbines - Operating
- Collector (Lerida) - 55 turbines - Approved
- Biala - 31 turbines - Proposed

KEY



Denotes approximate location of Windfarm

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IMPORTANT NOTES <ul style="list-style-type: none"> THE PLAN HAS BEEN PREPARED FOR DEVELOPMENT APPLICATION PURPOSES ONLY ALL DIMENSIONS AND MEASUREMENTS ARE SUBJECT TO SURVEY ALL LOTS NOT ON THE PLAN FOR THE LOCATION & TYPE OF EXISTING THAT MAY AFFECT THE LAND MUST BE DETERMINED BY SURVEY DATA AND/OR FIELD SURVEY THESE DIMENSIONS MAY BE SUBJECT TO CORRECTION BY FIELD SURVEY, AS THEY ARE SUBJECT TO FINAL SURVEY AND/OR DIMENSIONING DATA 		
SCALE APPROX 1 : 200 000		
GUNNING, GOULBURN & CROOKWELL FIGURE 1- WIND FARM MAP		
DATE: 14.10.2015	REFERENCE: 2016-052	REVISION: 1 OF 1

Given what we now know about wind farms and their questionable viability and reliability compared to a decade ago, the NSW Government must resist development and also green ideological pressure and refuse to approve yet another wind farm in this region, particularly when there is significant evidence undermining their economic and environmental suitability.

We point to recent findings tabled in August 2015 in the Senate Select Committee report on wind turbines, highlighting numerous examples of wind farm impacts on communities – physical and emotional – that can no longer be ignored by planning authorities.

The EIS refers to economic benefits to the community. We argue these are insufficient and overstated.

Revenue estimates based on wind farm capacity averages of 30 per cent on the larger 3.5MW turbine size put income generated by each turbine at close to \$1 million every year – almost half of which would come from Federal Government renewable energy subsidies paid to (at this point) a company whose investors are based in Ireland.

By comparison, the company has committed in the EIS to a community benefits fund of a mere \$2500 per turbine per year, and while commercial arrangements with hosts are confidential, its believed lease contracts in this region range between \$10,000 and \$20,000 per turbine per year.

Given those payments are made to just four individual landholders, the benefits are obviously limited and a fraction of what the turbine is generating for off-shore investors. A significant proportion of the jobs created during construction of wind farms in this area have gone to overseas contractors and workers.

Local land value reports suggest wind farms can affect the value of neighbouring properties by up to 60 per cent. (report by Goulburn based property valuer, Peter Reardon, September 2013.)

Local media quoting Upper Lachlan Shire mayor John Shaw also suggested a significant decrease in rural property values in the area due to an “abundance of wind farms” in the region. (Goulburn Post, July 12, 2013).

The proponent overlooks the productive capacity of primary production in this region by relying on 13-year-old data from NSW Agriculture (now NSW Department of Primary Industries).

Objection: Transport Impacts

The EIS (PART 3; 13.12) states there are no significant impacts of increased traffic on users.

This submission finds the proposal will impact directly on local school bus services, Gunning-Crookwell commuter traffic, and farming operations, particularly where farmers are moving stock across roads.

The EIS fails in identifying mitigation measures to address these impacts.

There is no real assessment of any concrete batching at the site, despite the traffic report assuming there will be one.

Further evidence of the failure of the EIS to demonstrate factual, rather than assumptive, conclusions about the impact of the project are revealed in point 4.2.1 in information about the construction phase.

“At this stage a detailed construction program is not known (ie volume of concrete, number of regular employees, and plant requirements etc) and as such, in order to quantify the likely traffic generation from the site reference has been made to a number of traffic impact assessment reports for previous wind farm applications.”

We argue this paragraph demonstrates just how vague the entire EIS document is, presuming the community will accept and trust a series of vague assumptions about the project.

Surely the level of concrete required for construction would be known, which leads to whether we can trust all trips during the construction phase have been properly accounted for.

We are not convinced the proponent has identified appropriate safe sight distances in each direction of the proposed three access points identified in Table 4.4.

There has been little discussion about the condition of Grabben Gullen Rd, which will no doubt suffer from the impact of increased traffic during the construction phase and we ask that provision for road maintenance costs be required in a revised EIS.

Objection: Impacts on Upper Lachlan Shire budget, operation and rates

Anecdotal evidence suggests local shires are in some cases resourcing up to two planning positions almost exclusively for dealings with wind farm proponents and/or operators. This includes routine correspondence, including responding to ratepayer's requests for information; site inspections; information exchange; and compliance requirements. This imposes additional costs directly to councils and in turn, ratepayers.

We understand that in the case of the Upper Lachlan Shire, up to 40 per cent of the workload of some senior staff is solely wind farm related during planning periods.

The impact of new and existing wind farm projects in this shire is enormous and we argue there is insufficient detail in this EIS to properly demonstrate those impacts on the council.

This submission makes the point that wind farms are unfairly exempt from paying rates to local councils, and the rates paid by wind turbine hosts is assessed and paid on rural land valuations, not industrial.

This submission supports efforts by the Upper Lachlan Shire Council to lobby for industrial rates to apply to the wind turbine area to help claw back some of the expense and impacts borne by our local council due to the growing number of wind farms in this area. We argue this type of rating should be a condition placed on the project and future projects if granted development consent.

Objection: Visual Amenity

The EIS effectively dismisses impacts on visual amenity. "Moderate negative impacts" are considered to be insignificant.

We believe a moderate negative impact to be a significant impact, and believe the EIS does not adequately assess local community values towards local and regional visual amenity. Newtricity's proposed towers are 50m taller than any existing towers in the area and we understand a blade tip height of 185m significantly increases the impacts on visual amenity.

We do not accept that the landscape character of the area is regarded as low due to transformation by agriculture.

Annex I (Landscape and Visual Impact Assessment – Clouston Associates) refers to a number of impacts, and by their own admission, the authors conclude mitigation measures will be ineffective.

- i. Visual Amenity of road users, particularly local residents, is ignored. The EIS suggests that users of "minor local road networks" and two main thoroughfares" are unaffected. Moreover, because road users travel relatively quickly through the landscape the impacts are reduced [ANNEX I p.87].

This is nonsense. Local residents travel the roads and work on their farms daily and are in fact the group to be most negatively impacted.

- ii. Homestead Visual Accessibility can be mitigated in some circumstances, by screening. The report states that mitigation measures to be negotiated with landholders by planting vegetation close to local viewpoints, "*may not be acceptable to the landholders.*" [PART 3, 11-14].

The ability to screen turbines from view is limited. In the experience of many landholders represented in this submission, attempts to screen existing wind farm developments have had minimal success.

- iii. Residual Impacts. Because turbine design and location is limited by functional requirements residual impacts cannot be mitigated. The Landscape & Visual Impact Assessment reports changes such as colour choice and reflectivity are unlikely to reduce the impacts [ANNEX I p. 82]. It is critical that the impacts of Newtricity's proposal on the visual amenity of the landscape be given appropriate consideration, particularly in the context of cumulative impacts.
- iv. Cumulative Visual Impacts. The Landscape and Visual Impact Assessment states "*The relatively small size of the Gunning wind farm (31 WTGs) would minimise potential for significant cumulative visual impact. The Gullen Range wind farm is much larger with 73 WTGs. This development will be more visually prominent with the WTGs spread out along a series of ridgelines in a north-south direction*" [ANNEX I p.79]. Moreover, the Landscape and Visual Impact Assessment states that

"There is the potential for the Biala wind turbines to be visible combined or sequentially with the Crookwell 1, 2 (construction) and 3 (planning) wind farms, the Gullen Range wind farm and the Gunning wind farm" [Annex I p.76].

The impacts of these cumulative visual impacts have been inadequately addressed in the EIS.

Given the proposed height of the turbines we have concerns about the possible lighting of the turbine towers at night and consider this to be unacceptably obtrusive. We refer to previous experiences with lighting on the Gunning Wind Farm towers.