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19 June 2022

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Dear Ms Brewer

**Submission in Response to the EIS on the Proposed Valley of the Winds Wind Farm
(Application No SSD-10461)**

1. Introduction

Thank you for the opportunity for Warrumbungle Shire Council ('Council') to table this Submission in response to the EIS for the proposed Valley of the Winds Wind Farm Project ('Proposal') near Coolah.

The Proposal will be located within the Warrumbungle Local Government Area and has physical and socio-economic consequences for Council to manage.

It is understood the Project involves the establishment and operation of wind farm and associated infrastructure including:

- a Capital Investment Value of \$1.8 – 2 Billion
- 148 wind turbines (800 MW total generation capacity) and supporting infrastructure spread across the Mount Hope cluster, Girragulang Road cluster and the Leadville cluster
- substations (2 ha) in each cluster and a step-up facility at the connection to the Central West Orana REZ Transmission line
- underground or overhead 33 kV reticulation (20m easement) connecting the turbines to the substations in each cluster (total length above ground?)
- overhead transmission lines (220/330 – 500kV) connecting the clusters. The connector transmission lines proposed between the Leadville and Girragulang Road clusters will traverse approximately 7.2km of forest. The easement to be 60m wide

- a 15 km overhead high voltage transmission line (330 - 500 kV) with a clearance corridor of 70-100m connecting the wind farm to the 500kV Central West Orana Renewable Energy Zone Transmission line
- a battery energy storage system with a potential capacity of 320MW
- a four-year construction phase
- Total footprint of operational infrastructure of 550 ha
- Total footprint of temporary construction infrastructure of 1,320 ha (including 160 kms of 6m access tracks)
- An operational lifespan of 30 years
- Approx. 400 full-time employees during the peak period of construction
- Approximately 50 full-time employees during operation and ongoing maintenance of the wind farm
- Three concrete batching plants (1 ha each)
- Three quarries (8 ha each)
- Three substations
- 13 meteorological masts 150m high
- Three construction compounds (2 ha each)
- Three laydown areas (1 ha each)
- Turbine specifications: tower height of 120-166m, blade length of 90 m, maximum tip height of 250m and engine power ratings of 6-6.2 MW

2. Overview Comments

Whilst Council is generally supportive of renewable energy initiatives, it has significant concerns about the Proposal, arising in part from the inadequacy of the information contained in the EIS and also because of the lack of progress in the negotiations regarding a Planning Agreement.

The various concerns are outlined in this submission. It is because of these unresolved and significant concerns that Council hereby lodges an objection to the Proposal.

The prospect of Council subsequently reviewing its objection is dependent on whether the Proponent and DPE actively and substantively engages with Council to address, to Council's written satisfaction, the concerns listed herein.

Council, its residents and ratepayers and community groupings, need to be satisfied beyond doubt that the environmental, social and economic features and attributes of the Warrumbungle LGA in general, and the local communities, towns and rural districts in particular, will be safeguarded. A priority consideration is that Council needs to be able to feel confident that environmental, social and economic costs will not be outsourced by the Developer onto the residents and ratepayers of the Shire.

The salient matters that require satisfactory resolution include:

1. The scope and extent of construction activity and relevant safeguards;
2. More transparent, comprehensive information regarding the road and traffic impacts and the consequences for road and intersection upgrades, to the satisfaction of Council as the Roads Authority;
3. The Proponent funding the upgrading of potentially impacted local roads to the standard required by the Roads Authority, namely Council;
4. The provision of annual, ongoing financial contributions for road repairs and maintenance over the life of the project, including the decommissioning phase;
5. Securing a satisfactory Planning Agreement;
6. Definitive details of the accommodation plans for construction workers;
7. A definitive quantification of and commitment to the number of construction and operational jobs that will be secured by locals;

8. A definitive quantification of the different types of waste, the associated tonnages and specific details of where such wastes are destined to be disposed/recovered/recycled, and what the implications are for the lifespan of such facilities and the related cost of extensions;
9. Details of the source of water required for the construction phase; and
10. Definitive actions to enhance positive social cohesion between the proposal and the local community.

The abovementioned items are further addressed below.

3. Construction Impacts

It is understood from the EIS that the Proposal will have a relatively large construction footprint of 1,320 ha and an operational footprint of 550 ha.

Consequently, the likely physical impacts during construction will be significant. These physical impacts will then create potential environmental, visual and related impacts and costs.

Council seeks more detailed information on matters including the scope and extent of earthworks, road works, drainage and erosion protection aspects associated with access roads, temporary batching plants, temporary and permanent site infrastructure (eg laydown, parking areas, construction offices, etc) and the turbines themselves. Also, the management of potential environmental impacts on water quality, noise, dust, First Nations Country, flora and fauna.

4. Road and Traffic Impacts

According to the EIS the Proposal will generate *'construction traffic volumes in the way of 72 heavy vehicle trips per day and 506 light vehicles per day if the construction workforce is distributed regionally'*.

Or, in the scenario where a construction workforce accommodation facility is built, *'it is forecast that only 128 light vehicle trips per day would be generated to transport construction staff'*.

Council requests the Proponent engage in detailed discussions with it as soon as possible to 'unpack' these numbers so there is transparency around how they have been determined, including the assumptions made.

With respect to the roads identified in the EIS as requiring upgrades; again, Council requires the Proponent to meet with it as soon as possible to enable verification of traffic types and volumes and the upgrade standards required, including but not limited to:

- Short Street, Turee Street, Main Street, Wyaldra Street, Moorefield Road, Wardens Road, The Leadville Stock Route and Mount Hope Road;
- Intersection upgrades (including, inter alia, improved pavement strength on heavy vehicle turning paths) that would be required to cater for restricted access vehicles and OSOM vehicles at the following intersections:
 - Black Stump Way / Mount Hope Access Road. Any new access on Black Stump Way will require design approval, including turning lanes;
 - Turee Street / Main Street;
 - Wyaldra Street / Moorefield Road. Council seeks confirmation that the privately owned section of road between Moorefield Road and Moorefield East Road/Uarbry will not become a road for which Council is responsible;
 - Golden Highway / Black Stump Way;
 - Golden Highway / Leadville Access Road. Council seeks confirmation there is no road involved that would become the responsibility of Council;

- Golden Highway / Short Street; and
- Sir Ivan Dougherty Drive and Wards Roads (Alternative option is Golden Highway if access road doesn't proceed).

Council also seeks discussion and clarification as to:

- the timing of road and intersection upgrades;
- roadside vegetation clearance;
- the implications of various causeway lengths;
- the use of roads during wet weather as Council may close them without warning to protect motorists and the road from structural damage; and
- Transport Management Plans for OSOM vehicle movements, particularly where there is urban or night time travel proposed or the load is substantially wider than the current road width/lanes.

Dilapidation surveys and agreed management plans, secured by way of performance bonds will also be required by Council.

a) Construction Phase Traffic:

Council seeks detailed discussions with the Proponent regarding all the likely traffic movements during the construction phase. This includes, inter alia:

- The tonnages of the various materials and equipment and how the tonnages have been determined;
- Vehicle types, including restricted access (eg. B-doubles, road trains, PBS) and OSOM;
- Number of trips per day for the various categories of vehicle and likely routes travelled;
- Number and size of trucks hauling water, waste, gravel, concrete, etc and likely routes travelled;
- Number and size of cranes and likely routes travelled;
- Number of light vehicle trips and likely routes travelled;
- Number of bus trips and likely routes travelled;
- Morning and end of day peaks; what will be the percentage increase in traffic in the various towns; and
- Will any local towns be impacted with excessive traffic flows?

b) Operational Phase Traffic:

It is reasonably expected that it is likely there will be refurbishment and equipment upgrade work during the 30-year life of operations. Council seeks detailed discussions with the Proponent regarding the scope and extent of that activity, particularly in relation to both traffic impacts and workforce variations.

c) Decommissioning Phase Traffic:

It is noted the Proposal runs for 30 years. Council seeks detailed information on the prospect of:

1. continued use of installed equipment;
2. Replacement of the generators with updated technology, or;
3. Decommissioning and removal of the turbines/towers and associated infrastructure.

Each of these options would require heavy vehicle usage, to a greater or lesser extent. Additional clarity is required in this regard, including the likely destination and hence likely transport routes.

5. Securing a Planning Agreement

As the sphere of government directly responsible for the day-to-day governance of Warrumbungle LGA, the issues confronting Council are significant and diverse. Whether it be roads and bridges, water and sewerage systems, waste, community buildings, recreation or day care facilities, the availability and quality of this infrastructure and social services has a significant influence on the quality of life and wellbeing of our citizens and ratepayers.

Council thus seeks development contributions from the Proponent via a Planning Agreement that acknowledges the tangible and intangible environmental, social and economic costs arising from the Proposal. Such funds will be applied to a public purpose that will ensure the provision of a public benefits.

The EIS states that the Proponent has consulted with Council as follows:

- briefing (19 December 2019)
- Councillors briefing (3 February 2020)
- Community information session (27 February 2020)

To assist with transparency, Council notes there has been other dialogue with the Proponent in relation to a Planning Agreement including, inter alia:

- Letters from the Proponent to Council dated 8th July 2021 and 6th October 2021;
- Virtual meetings between the parties on 16th September 2021 and 22nd September 2021;
- A phone conversation between the parties on 27th October 2021;
- A letter from Council to the Proponent dated 10th December 2021; and
- A virtual meeting between the parties on 1st April 2022.

Discussions with the Proponent on formulating a Planning Agreement have been challenging.

Whilst the EIS outlines the Proponent's view of the scope of the Planning Agreement, it fails to report Council's position.

The EIS suggests that some Coolah community members are critical of the one and only renewable energy project Planning Agreement secured by Council, namely the Liverpool Range Wind Farm in 2018. Because the project is yet to become operational, neither the Planning Agreement nor the funding allocation mechanism, are yet to be tested, hence Council considers the criticism somewhat hasty and without evidence to support the claims.

The form and content of the Liverpool Range Wind Farm Planning Agreement was structured in accordance with State Government policy and guidelines. Council notes that the Proponent proposes that the development contributions be split into two funding streams, one to a community group to administer (\$100,000 - \$150,000 pa) and the balance to Council.

Council remains to be convinced that a separate allocation to a community group, rather than all the development contributions being managed by Council, is justified for the following reasons:

- a) As per the provisions of the EP&A Act, the Planning Agreement is with the Local Government Authority. With that comes certain statutory responsibilities and obligations for which Council is liable. Outsourcing Council management responsibilities to the general public, for instance a community group, carries considerable governance and legal risks. Similarly, under the Local Government Act,

the Council has statutory obligations that are at odds with outsourcing to a community group;

- b) Under the EP&A Act Council is legally responsible for managing and reporting on the performance of the Planning Agreement in all its facets. These aspects include decision-making for the allocation of funds, the appropriate management of said funds, the performance of projects allocated funding and annual reporting;
- c) Funds administered by a community group may result in additional assets within the community that the Council is expected to maintain and replace throughout the assets lifecycle. Such assets might not be in accord with Council's four-year Delivery Program and Operational Plan, thus creating an unwanted and unsustainable financial burden on Council; and
- d) The Proponent plans to provide direct financial compensation to around 100 landholders, (other those that host turbines) who are neighbours potentially impacted by noise and visual impacts. Hence, allowing for family members, potentially 400 locals could receive some direct financial compensation.

Council thus remains to be convinced as to why it is necessary to have a local community committee established to allocate another \$100,000 -\$150,000, when that responsibility under the EP&A Act is quite properly Council's mandate.

Council requires a Planning Agreement to be negotiated prior to any contemplation by the NSW Government of the granting of development approval. In addition, Council requires the Agreement's key terms to be included as a specific condition within any project consent.

Council is of the view that the total quantum of development contributions be provided to it and it will manage the finances and determine how decisions are made, in accordance with standard practice widely adopted by Councils across rural NSW on many other energy and mining projects.

Council is however amenable to having a management committee comprising local representatives, Council and the Proponent be involved in the decision-making process.

6. Employment of Locals and Construction Workforce Accommodation

The Proponent plans to use an Engineering, Procurement and Construction (EPC) contractor to build the project. From experience, such service providers generally have limited appetite to employ and train locals. This is a major concern for Council and it requires the Proponent to meet with it to reach an agreement on what percentage of local workers will be employed, and trained as necessary, with that commitment to be taken on board by the contractor.

The EIS notes that up to 400 full-time employees will be required during the peak construction period and approximately 50 full-time employees during operation and ongoing maintenance. It also notes the difficulty of accommodating such a large construction workforce in the surrounding towns. Hence an alternative option proposed is to build a workforce accommodation facility.

Such a facility is proposed to feature 400 rooms and amenities, car parking, a dining hall, gymnasium, library, and other recreational facilities and occupy 5 ha. Council seeks an urgent meeting with the Proponent to discuss this matter in more detail and secure an agreed way forward, well before there is any contemplation of the granting of project approval.

7. Waste Management

The EIS mentions the quantum of only two waste types, namely:

- Sewage: 80,000 litres per day
- General domestic: 2,350 tonnes over 24 months
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It is unclear from the EIS as to the likely volumes of other waste types that will be generated by the development during the four-year construction phase as well as the operational and decommissioning phases and which waste disposal facilities or resource recovery centres owned and operated by Council are proposed to be utilised.

To enable Council to analyse the potential implications of such additional waste streams shortening the predicted lifespan of its waste management facilities, hence resultant possible upgrade or expansion – and who pays -, detailed waste generation data is required from the Proponent just as soon as possible. For instance, waste streams including paper/cardboard, other commercial waste, wood pallets, plastics and green waste. Also, whether any wood materials contain problematic chemicals.

8. Water Management

The proponent estimates 1,100 ML of water will be required for construction. It is unclear from the EIS as to the definitive source of water required for concrete batching and other construction activities. Council seeks urgent talks with the Proponent regarding the planned source of such water. Is it planned to utilise Council's supply – if so from where? -, an existing nearby landowner bore, a new groundwater bore or extraction from a regulated surface water dam or river?

9. Bushfire Management

Council requires further information regarding the mechanisms the Proponent intends to action to avoid and minimise catastrophic bushfire outbreaks. Clarification is requested of the potential of the turbines to impact on the ability to undertake aerial firefighting duties. Council also requires the Proposal, if approved, to retain on each of the three clusters, firefighting equipment to the written satisfaction of the local RFS.

10. Biodiversity

Council seeks commentary on the safeguards to be adopted to prevent catastrophic harm to birds and bats as well as owls. For example, it is known by locals that three pairs of Wedge-tailed Eagle live in the Croppy Creek Valley, plus Nankeen Kestrels and owls. In addition, within 2 kms of the nearest turbine within the Girragulang Road Cluster lies a designated wildlife corridor. Has this corridor been factored into any predictive impact modelling?

11. Cumulative Impacts

Approximately ten renewable energy projects are planned for location within and around the Warrumbungle LGA. Council is concerned about the myriad of impacts this will generate on its residents and ratepayers. Thus, it seeks substantive information from both the Proponent - and the NSW Government - on the likely cumulative impacts in Shire and what benefits will be forthcoming to both Council and the region generally to compensate for these imposts.

12. Conclusion

Whilst Council is generally supportive of renewable energy initiatives, it has significant concerns about the Proposal, arising in part from the inadequacy of the information contained in the EIS and because of the lack of progress in the negotiations regarding a Planning Agreement. Thus, Council is not in a position to make an informed judgement as to the relative benefits and costs of the Proposal, and objects to the Proposal.

However, Council does look forward to more substantive dialogue with the Proponent and DPE. If that is to occur, then Council may be able to review its position in relation to the project.

Furthermore, to enhance openness and transparency, Council also recommends that the final assessment and determination of the project be made by the Independent Planning Commission.

If you have any queries regarding the abovementioned matters please don't hesitate to contact the undersigned.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R. Bailey', followed by a large, loopy flourish that extends to the right.

ROGER BAILEY
GENERAL MANAGER