

(Doc Id: )

14 November 2022

Mr Javier Canon  
Director Energy Assessment, Planning & Assessment  
Department of Planning & Environment  
Locked Bag 5022  
**PARRAMATTA NSW 2124**

**Subject: Objection to SSD-14757962 Peninsula Solar Farm EIS**  
**Reference: SSD14757962**

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Dear Javier

I refer to the proposed Peninsula Solar Farm ('Proposal') (State Significant Development 14757962) to be located within the Forbes Shire Council Local Government Area. Council thanks the Department of Planning and Environment for the flexibility in the receipt of Council's submission due to the additional burdens placed on our community with regard to the significant floods we are experiencing.

Council notes that the Proposal features the following:

- A solar generation capacity of approximately 80 megawatts (MW), plus battery storage of equivalent capacity;
- Covers an area of 290 hectares;
- 250 employees at the peak of construction, running for 16 months; and
- An operational lifespan of approximately 30 years.

Whilst Council is generally supportive of renewable energy initiatives, it is unable to make an informed, considered, merit-based decision on the benefits and costs of the Proposal at this time because:

- a) The EIS is considered inadequate in a number of key areas, as outlined herein;
- b) There have been no substantive discussions to date about the terms and conditions of a VPA; and
- c) cumulative impacts arising from this proposal and a number of other proposed or actual State Significant Developments in our LGA (including for example Daroobalgie Solar Farm, Cowal Gold Mine and Sunrise Mine) have not been adequately considered.

It is because of the unresolved and significant matters 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.

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Key subjects of material interest to Council include:

- a) The increased traffic on Shire roads – including light, heavy and oversized and what that means in terms of road upgrade and road maintenance requirements;
- b) Jobs for locals;
- c) The accommodation of the DIDO/FIFO construction workforce – how and where;
- d) Jobs competition impacting local businesses;
- e) Waste types and volumes and their destination – associated with Project construction, upgrades and decommissioning;
- f) Preservation of prime agricultural land;
- g) The environmental, social and economic costs (who bears them?) and benefits (for whom?) as they relate to the Forbes Shire; and
- h) Securing a Planning Agreement.

Lodging an objection is not a decision Council takes lightly, however experience suggests that this is the most realistic option available which provides us with hope that our voice will be heard and acted upon by both the NSW Government and the Developer.

### **Traffic Impact Assessment**

The Traffic Impact Assessment has seriously misread the traffic count supplied by Council staff. Payten's Bridge Road sees an annual daily traffic of 30-50 vehicles with 20-40% heavy vehicles, and the traffic impact assessment states 340 vehicles a day. Therefore, the Traffic Impact Assessment will need to be re-written with new calculations so as Council can satisfactorily assess the impact on Council's Road network. Based on the numbers provided, the proposal will more than double the traffic movements on Payten's Bridge Road, and therefore a significant assessment on this impact needs to be provided in the Traffic Impact Assessment (TIA). Council also provides the following specific comments regarding errors or omissions in the TIA:

- Figure 9, Clause 5.3.2 must be updated based on actual traffic data;
- Clause 5.3.3 states that no data is available for traffic on the Lachlan Valley Way. Council requests this is amended to estimate 500 vehicles per lane per day, and Council would be willing to undertake traffic counts (at a cost to the applicant) to assist in this assessment;
- Page 21 states that staff will be bused in with only 5 buses transporting all 250 staff, this seems low. Council would also like to see methods in which compliance with the requirement to use the buses to get to the construction site will be achieved, as it is Council's experience that the use of buses is rarely chosen by workers unless it is a requirement of their contract with significant penalties associated with not using the bus;
- Page 23 states that Payten's Bridge Road is designed to cater for at least 3,000 daily vehicle movements and up to 300 movements during the peak periods. This is not the case, and there is no evidence to support this claim provided in the TIA;
- Payten's Bridge Road is mostly 4 metres wide with 1m to 1.5m wide shoulders on both sides; and
- Council wishes to advise that there is a sheep run tunnel that runs under Payten's Bridge Road used by farmers in the area. This is to be assessed by a structural engineer to ensure it can withstand any proposed Over Sized Over Mass (OSOM) vehicles.

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The current TIA appears to only consider construction and operational vehicles associated with the development site itself. Council wishes to advise that the TIA must consider:

- Vehicles delivering water and maintaining any on-site septic system;
- Concrete delivery and waste haulage vehicles;
- Heavy vehicle usage associated with equipment refurbishment during operational life of the project and decommissioning; and
- Vehicles associated with road upgrades.

Council also provides the below comments and requests for changes and amendments to the Traffic Impact Assessment and plans.

#### *Development Site Access*

As all traffic movements in relation to the development will be entering the site via Payten's Bridge Road, the access must be designed as a Basic Left/Basic Right intersection treatment in accordance with *Austrroads Guides to Road Design*. Furthermore, the proposed access is located on a crest where site distance is limited. A BAL/BAR is the most basic intersection treatment provided in *Austrroads* and due to the movements associated with the development is a minimum requirement.

Council does not agree with the Traffic Impact Assessments statement that BAL/BAR treatments are not applicable to property accesses, and that even if they were they are not warranted due to low traffic movements. Section 7.2.3 of Part 4 of *Austrroads Guide to Road Design* provides specific guidance for rural property accesses, and importantly states the following:

"Although rural roads are usually characterised by relatively low turning traffic volumes to and from widely spaced access points, high-speed crashes occur due to low driver expectation of turning vehicles ... To enhance safety for the turning vehicle and minimise interference to through traffic it is common to widen the shoulder or provide an auxiliary lane. This is usually achieved by providing indented turning lanes on divided roads or a basic (BA) or channelised (CH) treatment on a two-lane two-way road (*Section 4 of the Guide to Road Design – Part 4A: Unsignalised and Signalised Intersections*)"

Furthermore, this section of *Austrroads* states that accesses should be designed for the largest vehicle likely to use them. As the applicant has not provided this detail, an adequate assessment is unable to be made.

Council requests that the TIA is amended to include a full and thorough assessment of the property access in accordance with Section 7.2.3 of Part 4 of *Austrroads Guide to Road Design*. Council is unable to support the development until such a time as the property access is thoroughly considered.

#### *Lachlan Valley Way and Payten's Bridge Road Intersection*

The Traffic Impact Assessment provides two separate intersection treatments at the Lachlan Valley Way and Payten's Bridge Road Intersection, depending on whether movements will be available via rail. The TIA also does not consider acceleration lanes for vehicles exiting Paytens Bridge Road.

Details are required as to when confirmation that rail will be available is required. This intersection was the site of a fatality in a vehicle turning left from Payten's Bridge Road onto Lachlan Valley Way.

Significant assessment of this intersection is required prior to the determination of this development application, and Council objects to the development application until such a time as this has been satisfactorily addressed. In particular, Council requires the following to be addressed:

- Historic fatalities and major accidents at or in the vicinity of this intersection;
- Safe Intersection Site Distance Analysis, in particular when observing westbound traffic on the Lachlan Valley Way;
- Impact widening of the road may have on surrounding landowners (ie, is there enough land in the road reserve to accommodate widening the intersection?); and
- The potential conflict of a four-way intersection, and its compliance with *Austrroads Guide to Road Design*.

Council wishes to inform DPE that it is likely a full CHR/AUL with appropriate acceleration lanes will likely be required in accordance with *Austrroads Guide to Road Design*.

#### *Access Route Options*

Payten's Bridge Road currently has a seal of 5 metres with no shoulder. No justification has been provided in the TIA in regards to the quality of Payten's Bridge Road and its ability to accommodate the vehicles associated with the proposal. The TIA is therefore seriously deficient and at this stage Council is unable to support the development without this analysis. Council wishes to inform DPE that it is highly likely that upgrades of Payten's Bridge Road would be warranted. Please note that the widening of Payten's Bridge Road will require a new Biodiversity Development Assessment Report to be provided prior to the determination of the application.

Council objects to the use of any routes other than Lachlan Valley Way and Payten's Bridge Road being used by any traffic associated with the proposal. New Grenfell Road is not able to accommodate an increase in vehicles, and as such Council requires that the TIA is amended to remove any reference to the use of New Grenfell Road, and new intersection and road impact analyses occur accordingly to this change.

#### *Road maintenance and dilapidation*

Details of the proposed method to maintain the roads of Council to a high-quality during construction, any maintenance or upgrades and decommissioning are to be provided. Council may consider a dilapidation report model, or a contribution to the cost of road maintenance. However, the breadth of the impact on the road cannot be quantified until such a time as an adequate TIA is provided for assessment.

#### *Rail Transport*

Council notes that the Traffic Impact Assessment proposes the majority of materials will be delivered to Forbes via rail. Council requires details of the proposed siding for the unloading of construction materials. Council also requires an understanding of how this will be confirmed. The EIS is silent on details of where a rail siding might be located. Is it intended to submit a separate DA for the siding? What are the planned vehicle movements associated with said siding? Council objects to undertaking a TIA and subsequently making upgrade decisions on the "assumption" that materials will be delivered by rail.

### **Land Use Conflict**

The Land Use Conflict Assessment Report is inadequate and Council is unable to make a determination on the matters raised in the report at this time.

The majority of the matters raised in this report have a risk ranking of high. The report then goes on to provide mitigation measures that lowers this risk, but there has been no information provided as to how these mitigation measures will be implemented. For an example, to minimise the impact on weeds the mitigation measure involves "Good vehicle hygiene". Clarification of what the mitigation measures involve and how they will be implemented are required before Council can undertake an adequate assessment of Land Use Conflict caused by the proposal.

Council is specifically concerned with the potential spread of weeds as the surrounding country is highly productive cropping land. Council requests a Weed Management Plan be prepared by a suitably qualified person to protect the surrounding agricultural land from the spread of weeds and be approved by Council.

### **Preliminary Hazard Assessment**

The Preliminary Hazard Assessment recommends that the Battery Energy Storage System (BESS) unit has a minimum separation from the boundary of the property of 25 metres. The BESS unit is proposed to be closer than 25 metres from the boundary. The substantive EIS states that compliance with the PHA is not required for the following justification:

"As design progresses from conceptual to detailed, and technology selection is made, these separation distances will be able to be reduced substantially".

Council objects to any proposal to not comply with the recommendations of the Preliminary Hazard Assessment. The proposal is to be amended so that all recommendations of the PHA are complied with.

### **Prime Agricultural Land**

Council notes that the subject site has a land and soil capability class of 3 – highly capable land meaning that it is capable of a wide variety of land uses including cropping, grazing, horticulture, forestry and nature conservation.

This part of the Shire is a highly productive area, and Council notes that an Agricultural Impact Statement has not been undertaken to ascertain the impact that the proposal may have on agricultural production in the Shire. Council is unable to assess whether the proposal will have an unreasonable impact on agricultural land without the provision of this assessment.

### **Visual Impact**

To protect neighbours from the impact of glare and visual disruption of the solar farm infrastructure, Council requires a vegetation buffer around the perimeter of the proposed development site which is to consist of established trees in a portion of land dedicated 3m wide, a chain link fence and then the perimeter road and any other infrastructure.

Council requests an amended site plan showing this buffer before the determination of the application.

### **Worker Accommodation**

Council notes that the Applicant has committed to ensuring that a majority of the workforce will come from the local area, and the remaining will be contracted and will require accommodation in the local area.

Council requires substantive evidence to substantiate that claim. Evidence with other solar farms, for example in the Central West Orana REZ, suggests that 70% of construction workforces would be from outside the area and would have to be accommodated in local towns across the region.

Council also requires more detailed evidence to demonstrate that there is sufficient local accommodation to support the project, with consideration of major local events such as the Elvis Festival, Grazing the Lachlan and harvest season. This analysis should also consider the cumulative impact of other State Significant Developments in the region such as Cowal Gold Mine expansion, the Sunrise Mine, the proposed Daroobalgie Solar Farm, inland rail and Newell Highway upgrades as well as the Parkes Special Activation Precinct.

Therefore, a worker accommodation plan should be provided to further detail how worker accommodation will be addressed. Council also requires approximate figures in regards to the employment targets of locals, women and people of Aboriginal descent. And definitive training and apprenticeship programs.

### **Waste Management**

Council requires additional information in regard to the management of waste associated with the development prior to the determination of the application.

The applicant has not provided details regarding how the waste will be disposed or recycled, and simply states that there will be minimal waste. This is insufficient information and prior to the granting of any approval, Council requires detailed information on the following:

- All waste types;
- Waste quantities for each waste type;
- What will be recycled and what will be landfilled;
- Timeframes for waste generated over the lifetime of the project; and
- Where the waste is to be disposed/recycled.

Council's experience with solar farms that there is a significant amount of waste, including and not limited to a significant number of pallets and Styrofoam. Council requests that the Applicants investigate the options to recycle these materials to avoid contributing to landfill.

Edify Energy has proposed four of Council's waste management facilities for the disposal of waste. It is obvious to Council that due diligence of these options has not occurred as Bedgerabong, Garema and Ootha Landfills are not licensed to take construction waste. The Forbes Recycling and Waste Depot (Daroobalgie) does not currently have capacity to accommodate the potential waste generated by this proposal. Given the uncertainty and lack of specificity regarding wastes Council cannot support the proposed development on this matter alone.

### **Refurbishment During Operations and Site Remediation and End of Life**

Given the rapidity of technological improvements, Council wishes to be informed of the likely refurbishments of equipment and infrastructure during the 30-year life of the project. We understand both PV panels and battery components are unlikely to retain operational efficiency for 30years and thus will need to be replaced, thus having implications for both vehicle traffic and road impacts and waste management challenges.

Council considers that a refurbishment, rehabilitation and decommissioning management plan should be prepared prior to the prospect of issuing a construction certificate. Such a plan should detail:

- Traffic and road impacts;
- Workforce accommodation impacts;
- Potential design criteria of the final land use and landform;
- Performance indicators which may be used to guide the return of the land back to agricultural production; and
- An expected timeline for the rehabilitation program.

### **Septic Waste**

Council notes that a bio-cycle septic system is proposed for the ongoing operation of the proposal and notes that this requires approval from Council under Section 68 of the *Local Government Act 1993*.

### **Voluntary Planning Agreement**

The Proponent has held one very preliminary meeting with Council to discuss a Planning Agreement. Council requires the key terms of a Planning Agreement to be finalised prior to the contemplation of any consent being issued.

I trust this information is of assistance. Council would welcome the opportunity to discuss the matters contained herein with the Department and the Proponent. Should you have any enquiries regarding the contents of this letter, please call Eliza Noakes, Manager Development & Planning, on (02) 6850 2300 (Option 1).

Yours sincerely



**Steve Loane OAM  
GENERAL MANAGER**