

## OBERON COUNCIL

**Contact:** Gary Wallace  
**Your Ref** SSD-29064077:  
**Our Ref:** GW:SS Paling Yards Wind Farm

10 November 2023

Director Assessments,  
Development Assessment  
Department of Planning and Environment  
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Oberon Council would like to thank the NSW State Government for the opportunity to comment on the current State Significant Development (SSD-29064077) known as the Paling Yards Wind Farm.

Council has now had the opportunity to consider the Environmental Impact Statement and although not objecting to the application has substantial community and planning concerns in relation to the current development.

These issues are:

- the level of Community Consultation undertaken by the Proponent, Global Power Generation Australia (GPGA) for the Paling Yard Wind Farm (PYWF);
- the due diligence surrounding the Completeness Check by DPE prior to the exhibition period,
- community access to the planning portal and EIS documents.
- Consideration of Councils own DCP for Wind Development
- The Traffic Impact Analysis
- The Amenity Assessment in and around the locality
- Abercrombie River National Park and State Conservation Area
- Linkages to The Central West and Orana Regional Plan 2041

The issues will be considered in running order.

### COMMUNITY CONSULTATION BY PROPONENT

The Departments own guidelines for Community Consultation clearly stipulate that consultation should be meaningful, timely, relevant, easy to access and open and inclusive. The guidelines also state that proponents are expected to adhere to these guidelines.

The only contemporary consultations that GPGA had with the community were a Teams briefing with several Councillors and Council staff on 26 July 2022 and two sessions for the community at Black Springs on the afternoon of 29 July 2022. The attendance at these community sessions was poor due to a lack of notice, timing, and distance preventing working people from attending Black Springs which is over 20km's from Oberon.

Council strongly encouraged GPGA to hold further sessions in Oberon and surrounds which was met with unsatisfactory excuses on every occasion. GPGA have not engaged since July 2022, and Council cannot see how this level of community consultation by GPGA for a State Significant Development comes anywhere near your guidelines' threshold.

#### **COMPLETENESS CHECK**

As a result of deficient community consultation the Department's "Completeness Check" is brought into focus. A Completeness Check for an EIS would indicate that the proponent relies on joint consultation with DPE as part of the engagement process. To date no consultation in accordance with the Engagement Strategy (provided in support of the EIS) has occurred and considering the short exhibition timeframe no consultation (joint or otherwise) will occur. All elements required to be compliant with the relevant legislation, regulation, and guidelines have been missed on this occasion.

A Completeness Check would also imply some reasonable due diligence was exercised by the Department prior to exhibiting the EIS. In conversations with Council the Executive Director stated that this due diligence had occurred but could not provide any detail.

If that due diligence was not exercised, the Department is applying a great deal of trust in the truthfulness of the proponent and apparently waiting for submissions from the community to outline glaring errors.

#### **COMMUNITY DIFFICULTIES ACCESSING PORTAL**

During the exhibition period Council raised concerns over the ability to access the planning portal. Council was surprised at the attitude of the Department representatives regarding difficulties with community access to the EIS. The position seemed to be it was the community at fault. However, the project's contact person, Mr Anthony Ko, has already acknowledged the problems with the portal in written correspondences with various members of the community (and Council) during the exhibition period. Mr Ko subsequently, endeavored to provide solutions to overcome the portal's failures that included a proposal to send USBs to Bathurst and Oberon Council, assisting Oberon Against Wind Towers (OAWT) group with proforma documents and his acceptance of these documents directly to his inbox.

Good communication requires an understanding of those who might wish to communicate with you. Most people go to Google or some other search engine in the first instance. This proved problematic as your communications strategy clearly did not consider that people would use such channels.

The issues in accessing-the EIS documents for the Paling Yards project have disadvantaged the community and that is not fair or reasonable. It also fails to meet the key objective of the Environmental Planning and Assessment Act that clearly states, 'is to provide increased opportunity for community participation in environmental planning and assessment'. Council considers this may be the case for other SSD projects, and not just this project.

#### **OBERON COUNCIL'S WIND DEVELOPMENT DCP**

Since 2005 Oberon Council's Wind Development DCP has been used as a guiding document for proponents of wind development in the LGA. Council considers that the 'lip service' given to Councils only strategic document applicable to the development and is not adequate when considering the current document.

With any Development Application, Statement of Environmental Effects or Environmental Impact Statement and plans should indicate, where applicable:

- a) The location of the property, boundary dimensions and site area. This should include a map of 1:25000 scale showing the location of the proposed development, the route of transmission lines to the electricity grid, the service roads on and to the site, and the proximity to significant features such as housing, environmentally sensitive land, prime crop and pasture land, forests, national parks, heritage items and aircraft facilities.
- b) The site plan or plans showing positions of the proposed wind turbines, site boundaries, native vegetation, the proposed vehicular access points, the location of existing and proposed vegetation and trees on the land, the location and uses of all existing and proposed buildings, power lines, sub-station and fences on the land.
- c) A description of the proposed wind turbine/s, including all relevant details such as number, dimensions, generation capacity, materials and colour.
- d) A landuse description of the adjoining land and/or affected lands and landscape including assessment of the likely future impact. NB. Council will notify all likely affected owners and/or landowners within 2kms, during the development application assessment process. Applicants are encouraged to keep the local community fully informed throughout their design process.
- e) A noise impact statement including the existing background noise data and the predicted likely noise levels due to the wind turbines for all likely noise receivers.
- f) A description of the visual effects including shadow flicker/glinting, photomontages, computer assisted photo simulations or other graphic representations of the appearance of the wind turbines and transmission lines. View shed modelling via the use of a suitable GIS (Eg. "Mapinfo") is encouraged. Steps to be taken to mitigate any possible negative visual effects are to be included.
- g) An evaluation of the electromagnetic radiation and/or interference from the wind turbines and/or transmission lines. This should include impacts on human health and the electromagnetic affect on local television and radio reception.
- h) A construction program environmental management plan incorporating the proposed staging of the project, erosion and sedimentation controls, heavy vehicle movements and site access including all service roads, transmission towers, substation, underground wiring, weed control, farm impacts and all other works.
- i) A decommissioning and site restoration plan and program.
- j) All of the relevant issues in the Planning NSW EIA Guidelines and the NSW Wind Energy Handbook current at the time of the application

The applicant has not considered appropriately the importance of this strategic document in the preparation of the EIS. Council requests the Department highlight this to the applicant and seek an appropriate assessment against the requirements of Councils own DCP.

## **TRAFFIC MANAGEMENT**

Traffic management during construction, commissioning and decommissioning remain a major obstacle for the current application. The applicant is relying on 'conditions of consent' to highlight requirements for transportation of materials and infrastructure to the site (should approval be granted).

Limited to no information has been undertaken by the applicant as to the impacts likely to occur for the general public during these transportation phases.

No traffic management plan has quantified the potential disruption to traffic on Abercrombie Rd from Oberon just north of Paling Yards. The passage of Oversize and Over Mass (OSOM) vehicles has the potential to seriously disrupt local traffic, school buses and log Haulage from the southern forests to Oberon.

Substantial concern has already been forecast for renewable energy projects in regard to transportation within the Renewable Energy Zones (REZ). This is further complicated when considering additional developments located outside the REZ.

No consideration has been given to the likely impact of transportation routes on Regional and Local roads within the Oberon LGA. No assessment has been undertaken other than a report highlighting hazards. No implementation processes have been proposed and therefore cannot be assessed as part of this application.

Council strongly urges the Department to have the proponent undertake further assessment in this regard, with specific reference to:

- Impact on Council local and regional roads (dilapidation assessment)
- Detailed assessment on the process to mitigate road impacts on known problematic areas
- An assessment against the appropriate length of blade for the proposed development
- An ecological assessment on known fauna and flora within the road corridor within the LGA
- A proposed strategy for mitigation of localized impacts from transportation processes
- Impacts on the O'Connell Avenue of Trees with direct context to the O'Connell Urban Conservation Area

## **AMENITY IMPACTS**

The calculations and Figures 1, 2 & 3 below indicate that the location of towers will be either side of the main transport route between Goulburn and Oberon. In addition to the amenity issues created by this impact, the roads from these locations to the site include tight radius road reserves. It is difficult to consider how any component parts of the proposed structures can be safely or adequately carried along these routes without significant impact on the roadside vegetation.

There needs to be greater evidence provided in this regard; how much, how deep, how long and in what vegetation communities.



FIGURE 1 - Paling Yards mapping (47 towers 14 km in length  $1:254 = 1$  tower every 298 metres). The height of each tower at the blade tip is 240 metres.

This means virtually no gap between any tower.

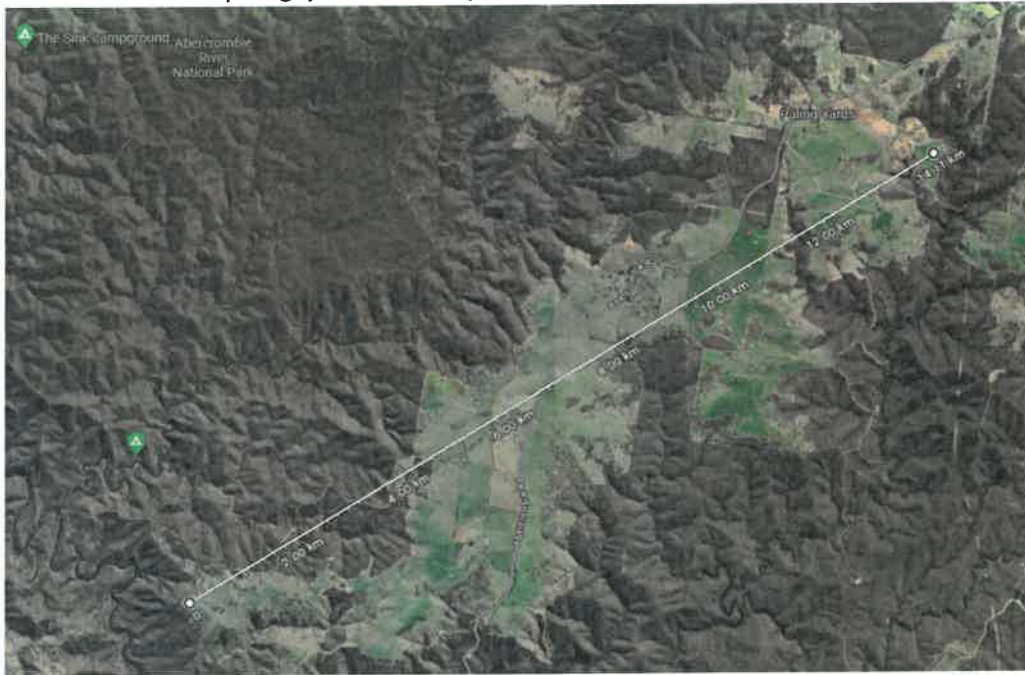
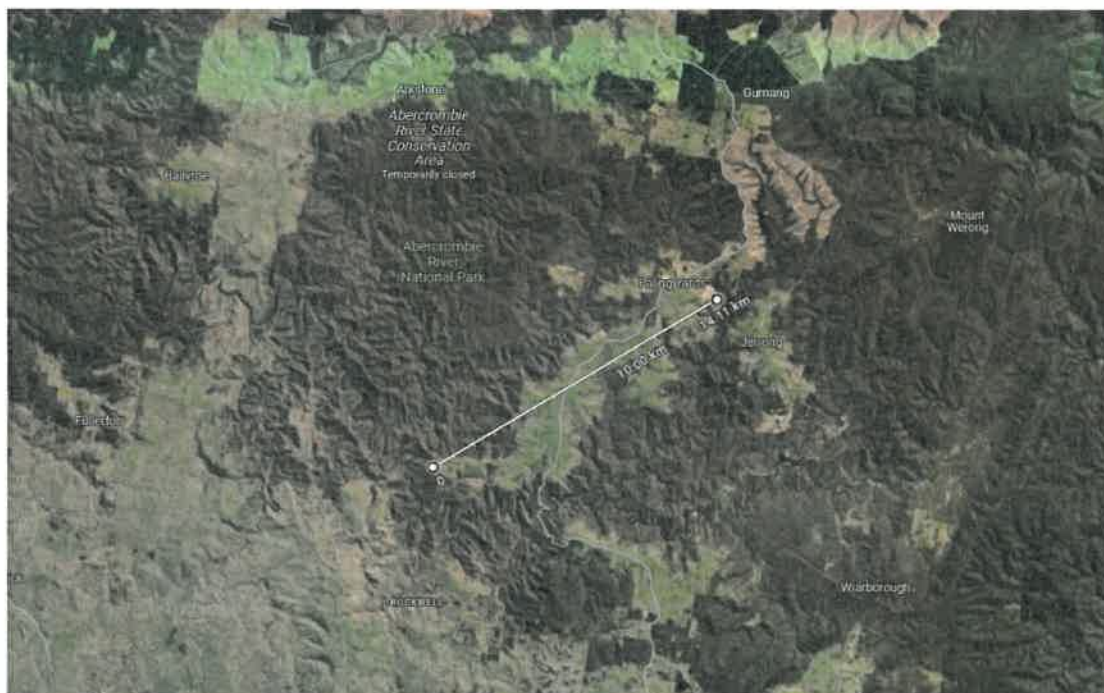


FIGURE 2 – Taralga Wind Farm (48 towers 7.43 km in length  $1:154 = 1$  tower every 154 metres)



FIGURE 3 – Turbine Location



#### ABERCROMBIE RIVER NATIONAL PARK AND STATE CONSERVATION AREA.

Insufficient data or analysis is provided for the impact of the loss of raptor species from the top of the ecological system and the results of the loss of these key species on other populations. These areas provide critical habitat for endangered species including, but not limited to, the Wedge-tailed Eagle. There are only 8 Wedge-tailed Eagles identified in the Abercrombie River National Park Reserve (MPWS BioNet Atlas). The most concerning feature of the proposed wind turbines is their scale and blade span. As stated above, the distance between each tower and the height of the blade sweep (19,607 square metres) means that there will be minimal opportunity for avian species to find a clear and unimpeded flight path between feeding grounds.

This does not bode well for the remainder of the ecosystem when the species at the top of the food chain declines. This will mean that the dynamic equilibrium of the ecology will be in imbalance and there needs to be further evidence on the effect of the proposed wind turbines on the feeding patterns of these species and the effect of the reduction of raptor species on the ecology of both agricultural lands and the critical habitat within the National Park and the State Conservation area.

#### THE CENTRAL WEST AND ORANA REGIONAL PLAN 2041

There are no mapped areas of the CWORP 2041 for installation of wind turbines. Oberon understand the Net Zero emissions by 2041 but considers that there are other ways of achieving environmental efficiency without compromising the visual and ecological value of the landscape (not the least for tourism).

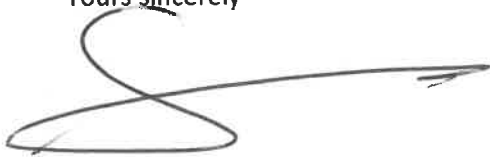
The proposed development is not located in the Central West Orana Renewable Energy Zone identified on p14 of the CWORP 2041.

The proposed development is inconsistent with Objective 5 of the CWORP 2041 that seeks to Identify, protect and connect important environmental assets.

The project is inconsistent with Strategy 5.2 of the CWORP 2041 in particular avoiding areas of identified HEV and focusing development on areas of lower biodiversity value.

The project is inconsistent with Strategy 5.3 of the CWORP 2041 in particular reserving links between areas of projected climate refugia.

Yours sincerely

A handwritten signature in dark ink, appearing to be 'Gary Wallace', with a long horizontal stroke extending to the right.

**Gary Wallace**  
General Manager

