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The Director
Resource & Energy Assessments
Planning and Assessment Division
Department of Planning, Industry and Environment
Locked Bag 5022
PARRAMATTA NSW 2124
Email: iwan.davies@planning.nsw.gov.au

Attention: Iwan Davies

EPA Advice on Environmental Impact Statement

Dear Mr Davies

Thank you for the request for advice from Public Authority Consultation (PAE-50732482), requesting the review by the NSW Environment Protection Authority (EPA) of the Environmental Impact Statement (EIS) for the proposed Winterbourne Wind Farm (Application SSD-10471) located 6.5 km northeast of Walcha within the Walcha Council Local Government Area (LGA) and Uralla Shire Council LGA.

The EPA has reviewed the following documents:

- *Winterbourne Wind Farm Environmental Impact Statement* (version 1.0) – Environmental Resources Management Pty Ltd – dated 27 October 2022 and associated appendices

The EPA understand the proposal is to construct and operate up to 119 wind turbines which will include construction of:

- Ancillary infrastructure including access roads, road upgrades and crossings and laydown areas;
- Lithium-ion battery energy storage system (BESS);
- Decommissioning of four temporary meteorological masts and installation of two permanent meteorological masts;
- Underground, overhead electrical cabling, and grid connection;
- Two electrical substations, including transformers, insulators, and switchyard;
- An operation and maintenance facility;
- Rock crushing facilities;
- Mobile concrete batching plants; and
- Temporary site buildings and facilities, including site offices, car parking and amenities.

Based on the information provided, the proposal is subject to an environment protection licence under sections 43, 47, 55 and/or 122 of the *Protection of the Environment Operations Act 1997*

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(POEO Act) for electricity generation clause 17, and crushing, grinding or separating clause 16 of Schedule 1 of the POEO Act.

The EPA has reviewed the EIS and notes that the EIS does provide the information required by the Secretary's Environmental Assessment Requirements SSD-10471.

The EPA has the following additional comments and recommendations:

1. Matters to be addressed with conditions

a. Works and activities to be carried out in accordance with the EIS

Except as expressly provided by the general terms of approval, works and activities must be carried out in accordance with the Winterbourne Wind Farm Environmental Impact Statement.

b. Pollution of waters

Except as expressly provide by an Environment Protection Licence (EPL) under the *Protection of the Environment Operations Act 1997* in relation to the development, section 120 of the *Protection of the Environment Operations Act 1997* must be complied with in, and in connection with, the carrying out of the development.

Any variations to the EPL are to be negotiated with the EPA.

c. Discharges of wastewater

Except as expressly provided for by the EPL, the Proponent must not discharge any wastewater from the Concrete Batching Plant(s) associated with the project.

d. Stormwater and sediment control – construction phases

An Erosion and Sediment Control Plan (ESCP) must be prepared for all aspects of the construction phase of the development and must be implemented. Implementation of the scheme must avoid or minimise the impacts of stormwater runoff from and within the premises during construction.

The Stormwater Management Plan should be consistent with the practices and principles contained in *Managing Urban Stormwater – Soils and Construction, Volumes 1 and 2* (Landcom, 2004; DECC, 2008).

e. Stormwater and sediment control – operational phases

An Erosion and Sediment Control Plan (ESCP) must be prepared for all aspects of the operation phase of the development and must be implemented. Implementation of the scheme must avoid or minimise the impacts of stormwater runoff and within the premises during operation.

The Stormwater Management Plan should be consistent with the practices and principles contained in *Managing Urban Stormwater – Soils and Construction, Volumes 1 and 2* (Landcom, 2004; DECC, 2008).

f. Soil and Water Management Plan

The proponent must prepare a Soil and Water Management Plan to address all proposed activities and potential impacts associated with the project. The Plan must set out the procedures for investigating, and if necessary, mitigating surface water, erosion and /or sedimentation impacts of the project.

g. Dust Management

The proponent must, as far as practicable, prevent or minimise the generation of air emissions, including dust generation, from the site.

h. Noise and Blasting

The EPA has reviewed the Winterbourne Wind Farm – Noise and Vibration Assessment (NIA) dated October 2022 by Sonus. The EPA has provided recommended conditions in Appendix A and has included the following additional comments:

Traffic Noise Assessment

The EPA does not have a statutory role in regulating traffic noise impacts as any EPL is premise based, however has provided the following advice on construction noise impacts in an advisory context:

- The modelling algorithm/package to predict traffic noise levels has not been provided in the NIA.
- Based on the noise levels presented in the NIA, construction noise traffic noise impacts exceeding the recommended noise level thresholds in the *Road Noise Policy* (RNP – EPA, 20213) are predicted to occur. The NIA concludes that: *“there is the potential the traffic noise criteria to be exceeded at any residence within: 80m of a Local Road outside of townships; or, 50m of a Local Road within townships”*. The NIA then goes on to state that locations where the road traffic noise criteria may be exceeded include: “residences without identity in the Wind Farm Assessment on Saleyard Road and Darjeeling Road”. These roads are located on the northern fringe of Walcha. However, there are indications that additional residences on Thunderbolt Way, Uralla Road, Jamieson Street and EMU Creek Road are also within the offset distances likely to result in noise exceeding the RNP recommendations.

The EPA recommends that Department of Planning and Environment evaluate the above points and determine if additional information is required to consider potential construction noise impacts as part of the planning determination.

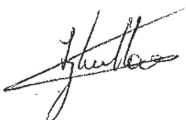
2. Minor matters

a. Dust Management

The EPA recommends that mitigation measures outlined in section 6.10.4 of the EIS are updated to include additional measures to address any air quality issues arising from rock crushing and screening activities.

If you have any questions about this request, please contact Daniel Stokes on (02) 4906 5804 or via email at info@epa.nsw.gov.au marked for my attention and quote SSD-10471.

Yours sincerely



LINDSAY FULLOON
Manager Regional Operations
Regional Operations Regional West

ATTACHMENT A: Recommended Noise and Blasting Conditions of Approval for the Winterbourne Windfarm

Operational Noise Limit Conditions

1. The project satisfies the noise criteria stipulated in the *Wind Energy: Noise Assessment Bulletin – For State significant wind energy development, NSW Government 2016* (Planning Bulletin, meaning:

The predicted equivalent noise level (L_{Aeq},10 minute) determined in accordance with *Wind farms – environmental noise guidelines, SA Environmental Protection Authority, (2009)*, adjusted for tonality and low frequency noise in accordance with the Planning Bulletin, should not exceed 35 dB(A) or the background noise (L_{A90}(10 minute)) by more than 5 dB(A), whichever is the greater, at all relevant receivers for wind speed from cut-in to rated power of the wind turbine generator and each integer wind speed in between.

NOTE: Wind farm planning approvals typically require an additional noise impact assessment based on detailed design and final turbine selection be provided to the Planning Secretary for approval to demonstrate that the final turbine layout and turbine selection can achieve the noise criteria required under the planning approval. EPA may use this document to inform environment protection licence noise limits for each integer wind speed of operation. The EPA assumes that the planning approval will, as per standard practice, require an additional noise impact assessment that can be used to inform EPA's license limits.

2. Noise generated at the premises from ancillary equipment including substations, transformers, transmission infrastructure and the Battery Energy Storage System must not exceed a noise level of L_{Aeq},15minutes 35dB at any non-involved residence at any time.
3. The noise limits set out in condition 2 above apply under the following meteorological conditions as measured at weather station [location to be determined]:

Assessment Period	Meteorological Conditions
Day	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level.
Evening	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level.
Night	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level; or Stability categories E and F with wind speeds up to and including 2m/s at 10m above ground level.

4. For those meteorological conditions not referred to in condition 3 above, the noise limits that apply are the noise limits in condition 2 plus 5dB.
5. For the purpose of determining the noise generated from the premises, the modifying factor corrections in Table C1 in Fact Sheet C of the *Noise Policy for Industry* (NSW EPA, 2017) should be applied, if appropriate, to the noise measurements by the noise monitoring equipment.

Construction Noise Limit Conditions

6 Hours of Construction

All construction work at the premises must be conducted between 7am and 6pm Monday to Friday and between 8am and 1pm Saturdays and at no time on Sundays and public holidays.

Exceptions to construction hours

The following activities may be carried out outside the recommended construction hours:

- a) construction that causes $L_{Aeq(15\text{minute})}$ noise levels that are:
 - i. no more than 5dB above Rating Background Level at any residence in accordance with the *Interim Construction Noise Guideline* (DECC, 2009); and
 - ii. no more than the Noise Management Levels specified in Table 3 of the *Interim Construction Noise Guideline* (DECC, 2009) at other sensitive land uses; or
- b) for the delivery of materials required by the police or other authorities for safety reasons; or
- c) where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental harm; or
- d) as approved through the process outlined in "Variation of construction hours" of this approval.

Variation of construction hours

The hours of construction activities specified under "Exceptions to construction hours" point (d) of this approval may be varied with the prior written approval of the Secretary. Any request to alter the hours of construction shall be:

- a) considered on a case-by-case or activity-specific basis;
 - b) accompanied by details of the nature and justification for activities to be conducted during the varied construction hours;
 - c) accompanied by written evidence that appropriate consultation with potentially affected sensitive receivers and notification of relevant Council(s) (and other relevant agencies) has been and will be undertaken;
 - d) all feasible and reasonable noise mitigation measures have been put in place; and
 - e) accompanied by a noise impact assessment consistent with the requirements of the *Interim Construction Noise Guideline* (DECCW, 2009).
7. All feasible and reasonable noise mitigation measures be applied for construction activities to seek to achieve the Noise Management Levels (NML) outlined in the *Interim Construction Noise Guideline* (ICNG – DECC, 2009).
 8. The proponent be required to prepare a Construction Noise and Vibration Management Plan for approval by the Secretary that describes how construction noise impacts will be minimised to the extent practicable. The plan should include a noise impact assessment that identifies and assesses noise impacts from the proposed location of construction compounds, internal haul roads, wind turbine generators [construction sites], concrete batching plants and mobile crushing and screening plants and the feasible and reasonable noise mitigation measures that will be applied to reduce construction noise impacts to the extent practicable.

Blasting Limit Conditions

9. If blasting is required for any reason during the construction or operational stage of the proposed development, blast impacts are to comply with the guidelines and criteria contained in '*Australian and New Zealand Environment Council – Technical basis for guidelines to minimise annoyance due to blasting overpressure and ground vibration*' (ANZEC, 1990).
10. Prior to any blasting occurring as part of the development a Blasting/Vibration Management Protocol is to be prepared by the proponent prior to blasting, and approved by the Secretary, to demonstrate the protocol to comply with above condition. The Protocol shall include details about:
 - compliance standards;
 - measures to ensure compliance with licence limits;
 - remedial and reporting action plan;
 - monitoring methods and program; and
 - notification of procedures for neighbours prior to detonation of each blast.