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Tatsiana Bandaruk
Department of Planning, Housing and Infrastructure
Locked Bag 5022
PARRAMATTA NSW 2124

Via Major Projects Portal

**Bullawah Wind Farm (SSD-50505215)
EPA Advice on Environmental Impact Statement**

Dear Tatsiana

I am writing in response to your request for the Environment Protection Authority (EPA) to review the Environmental Impact Statement (EIS) for the proposed Bullawah Wind Farm (SSD-50505215) located across Hay South, Carrathool and Steam Plains in the South West Renewable Energy Zone.

The EPA has reviewed the following documents:

- *Bullawah Wind Farm Project Environmental Impact Statement* (22110/R15) – Umwelt – 30 July 2024
- *Bullawah Wind Farm Project Noise and Vibration Assessment* (Rp 003 r01 20211154) – Marshall Day Acoustics – 30 July 2024
- *Bullawah Wind Farm Project Water Resources Impact Assessment* (2067-05-B2) – WRM – 27 June 2024
- *Bullawah Wind Farm Project Air Quality Assessment* (0120 Final F03) – Zephyr Environmental – 14 June 2024

The EPA understand the proposal is to construct, operate and maintain a wind farm which includes:

- Up to 143 wind turbine generators.
- A 359 megawatt / 718 megawatt hour battery energy storage system.
- Permanent infrastructure to support operation of the wind farm and battery including access roads, substations, switchyards, over and under ground transmission lines, telecommunication facilities and utilities, water storage tanks and meteorological monitoring stations.
- Temporary facilities for construction including a workforce accommodation camp, offices, compounds, on-site borrow pits, rock crushing facilities, concrete or asphalt batching plants, temporary access roads.
- Off-site road works and upgrades to enable delivery of wind turbine components.

Based on the information provided, the proposal will require an environment protection licence under the *Protection of the Environment Operations Act 1997* (POEO Act) for electricity works (wind farms) clause 17 of Schedule 1 of the POEO Act. Other activities which may constitute an ancillary activity as part of this proposal include Crushing, Grinding and Separating (Clause 16 of Schedule 1 of the POEO Act) and Extractive Activities (Clause 19 of Schedule 1 of the POEO Act).

Phone 131 555
Phone 02 9995 5555
(from outside NSW)

TTY 133 677, then
ask for 131 155

Locked Bag 5022
Parramatta
NSW 2124

6 Parramatta Square
10 Darcy Street,
Parramatta NSW 2150

info@epa.nsw.gov.au
www.epa.nsw.gov.au
ABN 43 692 285 758

The Applicant will need to make a separate application to the EPA to obtain this licence and undertake further consultation with the EPA to discuss scheduled activities and ancillary activities that may be triggered under the POEO Act.

The EPA has reviewed the EIS and notes that it provides the information required to allow us to complete our assessment. The EPA has the following comments and recommendations:

1. Matters to be addressed with conditions

Noise

The EPA notes that the operational noise assessment is based on representative contemporary wind turbine generators with a 200m hub height, with final turbine selection to be made during the detailed design process. Having regard to this, the EPA recommends the conditions in **Attachment A** be included in any conditions of consent determined for the project.

The EPA has reviewed the potential for cumulative noise impacts from the project and the adjoining Pottinger Wind Farm and considers that predicted noise impacts from either project would not give rise to noise levels above the applicable noise limits for each respective EIS.

The EPA acknowledges that some construction noise levels at associated receivers are predicted to be above the 'highly noise affected' level under the *Interim Construction Noise Guideline* (DECC 2009), however these landholders have been consulted regarding the predicted impacts and they are reflected in the commercial agreement between the two parties.

The noise assessment predicts large increases in traffic flows particularly heavy vehicles during the construction phase on Jerilderie Road, North Boundary Road and the Cobb Highway. However, whilst the increase is more than the 2 dB threshold for construction projects in the *NSW Road Noise Policy* (RNP, DECCW 2013), the assessment indicated that there are no residential receivers within the minimum setback distance to meet the RNP assessment criteria for local and arterial roads. However, as the increase in road traffic noise is likely to be noticeable, the EPA recommends that residents along the transport routes should be consulted prior to commencement of construction.

Waste

The EPA notes the EIS indicates anticipated volumes of construction and decommissioning waste may exceed the capacity of local waste management facilities.

As a result, the EPA recommends the Department of Planning, Housing and Infrastructure (DPHI) include a Condition of Consent for the Applicant to prepare and implement a Waste Management Plan to show that the waste will be directed to facilities that can lawfully accept it.

2. Other matters

The applicant should be aware that an Environment Protection Licence is required to transport higher risk wastes (classification of waste batteries should be applied in accordance with EPA's waste classification guidelines) and waste tracking requirements also apply. Compliance with relevant dangerous goods transport legislation is required when transporting batteries considered as dangerous goods (as per the Dangerous Goods (Road and Rail Transport) Act 2008)

The EPA recommends that DPHI consider the recommended conditions of consent in **Attachment A**.

If you have any questions about this request, please contact Chris Marsh on 02 9995 6461 or via email at environmentprotection.planning@epa.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jackson', with a stylized flourish at the end.

CHRISTIE JACKSON
Unit Head – Environment Protection Planning
Environment Protection Authority

ATTACHMENT A – Recommended Conditions of Consent

Air Quality

1. The proponent must, as far as practicable, prevent or minimise the generation of air emissions, including dust generation, from the site.
2. Prior to the commencement of the construction activities, the Applicant must develop and implement an Air Quality Management Plan (AQMP) to manage air quality emissions, including dust emissions from construction activities. As a minimum, the AQMP must consider the following:
 - a) Objectives
 - b) Risk assessment
 - c) Proactive and reactive mitigation strategies
 - d) Key performance indicator(s) to evaluate the implementation of mitigation strategies
 - e) Monitoring method(s)
 - f) Location, frequency and duration of monitoring
 - g) Record keeping
 - h) System and performance review for continuous improvement

Water

1. Unless otherwise authorised by an EPL, the Applicant must ensure that none of the development stages will cause any water pollution, as defined under Section 120 of the *Protection of the Environment Operations Act 1997*.
2. Prior to the commencement of the construction activities, the Applicant must develop and implement a Water Management Plan to manage surface water and groundwater. Consideration must be given but not necessarily limited to mitigation measures included in the Water Resources Impact Assessment (WRM, 2024).
3. The Applicant must:
 - a) ensure that appropriate components of the asphalt/concrete batching plants and construction sites are suitably bunded.
 - b) ensure that all liquid waste captured on-site is classified, transported, and disposed of at a facility that can lawfully accept the waste.
 - c) minimise any spills of hazardous materials or hydrocarbons and clean up any spills as soon as possible after they occur.
4. Except as expressly provided for by the EPL, the Proponent must not discharge any wastewater from the Concrete/Asphalt Batching Plant(s) or temporary accommodation camps associated with the project.

Erosion and sediment control

1. 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).
2. 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.

Waste

1. Waste generated during construction, operation, upgrading and decommissioning must be dealt with in accordance with the following priorities:

- a) waste generation must be avoided and where avoidance is not reasonably practicable, waste generation must be reduced.
 - b) where avoiding or reducing waste is not possible, waste must be re-used, recycled, or recovered.
 - c) where re-using, recycling or recovering waste is not possible, waste must be treated or disposed of.
2. The importation of waste and storage, treatment, processing, reprocessing or disposal of such waste must comply with the *Protection of the Environment Operations Act 1997*, the *Protection of the Environment Operations (Waste) Regulation 2014*, and orders or exemptions under the regulation.
3. Waste must only be exported to a site licensed by the EPA for the storage, treatment, processing, reprocessing or disposal of the subject waste, or in accordance with a Resource Recovery Exemption or Order issued under the *Protection of the Environment Operations (Waste) Regulation 2014*, or to any other place that can lawfully accept such waste.
4. All waste that is removed from site must be classified in accordance with the EPA's *Waste Classification Guidelines*, with appropriate records and disposal dockets retained for audit purposes. 5. The Applicant shall prepare and implement a Waste and Resource Recovery Management Plan for the project prior to the commencement of operation. This program must:
- a) be prepared in consultation with the EPA, Hay Shire Council, Murrumbidgee Council and Edward River Council
 - b) be approved by the Planning Secretary prior to commencement of operation
 - c) include in the plan:
 - i. details of the quantity, type and source of waste received
 - ii. details of the quantity, type and quality of the waste produced and their intended fate
 - iii. details of the intended fates of all other waste and materials received/produced on site which are not suitable for re-use
 - iv. details of any materials produced which will require a specific Resource Recovery Order
 - v. details of any materials produced under a Resource Recovery Order, and the controls/procedures in place for meeting the conditions of that order
 - vi. details of any testing/monitoring procedures
 - vii. details of how materials segregation will be achieved, particularly the segregation of contaminated soils and resource recovery materials
 - viii. The capability of the selected waste management facilities to accept the volumes of waste predicted to be deposited and any associated approvals required to create and/or expand waste storage or disposal facilities
 - ix. Any infrastructure that may be required at any waste facilities that are proposed to be created and/or expanded to receive additional volumes of waste from the project.

Noise

1. Noise emissions from the operation of the project must satisfy 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 (LAeq,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 (LA90(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.”*
2. A condition requiring that ancillary plant and equipment (e.g. switching station, battery energy storage facility, substations and transmission lines) do not exceed a noise level at any residence not associated with the development of:
- a) $L_{eq,15minutes}$ 40dB(A) during the day period
 - b) $L_{eq,15minutes}$ 35dB(A) during the evening and night periods.

Day, evening and night periods apply as defined in the *Noise Policy for Industry* (EPA, 2017).

3. That the proponent is required to submit a revised noise impact assessment, before construction commences, to the Planning Secretary for approval based on detailed design and final turbine selection demonstrating that the criteria in the Planning Bulletin can be met. The details of any 'curtailment' or requirements for turbines to operate in low noise mode (if required) must be fully presented in the revised noise impact assessment.

4. 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 $L_{Aeq(15minute)}$ 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" 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
 - e) accompanied by a noise impact assessment consistent with the requirements of the *Interim Construction Noise Guideline* (DECC, 2009).
5. 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* (DECC, 2009).
 6. 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 roads, wind turbine generators [construction sites], batching plants and quarrying / 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.