

Lauren Clear

From: John Goodall <JGoodall@armidale.nsw.gov.au>
Sent: Monday, 18 November 2024 12:38 PM
To: Lauren Clear
Cc: dboyce; Alex Manners
Subject: Council response to Review of Submissions Report for the Oven Mountain Pumped Hydro project

Hi Lauren,

I refer to the Applicants Submissions Report dated 2024, and in particular to the proponent's response to concerns previously raised by Armidale Regional Council (ARC), in our letter to the Department dated 19 October 2023.

Commentary

Alinta Energy have sought an approval pathway with Council for upgrade works on the Kempsey Armidale Road that is separate from the Critical State Significant Infrastructure application for the Pumped Hydro Scheme (the development).

The Heads of Agreement (HOA) referred to in the response to submissions relates to that separate approval pathway only, being for works and structures in the roadway on the Kempsey Armidale Road and does not incorporate the impacts of the construction, operation, or maintenance of the development.

Council has confirmed with Alinta Energy, that the approval will be by application under Section 138 of the Roads Act 1993. This approval is expected to be supported by the REF already developed for K2A as amended at the cost of Alinta.

Separately Council has been in discussions with Alinta Energy regarding a Voluntary Planning Agreement (VPA) relating to the development. The VPA is contingent on Alinta Energy entering into the HOA.

The VPA does not contain any reference to Waste and does not incorporate any agreement in relation to waste contributions. The VPA does not in any way replace the need for the developer to negotiate with Council waste management as per the developers obligations under the Armidale Regional Councils adopted Revenue policy, fees and charges.

No other negotiations or discussions have been held with Council in relation to Waste management for the development.

The revised Traffic Impact Assessment Report states "*Kempsey Armidale Road (KAR) will be upgraded by Kempsey Shire Council (KSC) and Armidale Regional Council (ARC) and the recommendation in this report should be incorporated in their design*"

Armidale Regional Council has not made any commitment to upgrade the Kempsey Armidale Road and any plans to upgrade the road to support the project will be plans developed and owned by Alinta.

Sequencing

It is assumed that the planning approval and consent process will follow the following sequencing and as such proposed conditions have been developed with consideration to that sequencing:

1. Determination of the Critical State Significant Infrastructure (CSSI) Planning Application;
2. Application for Works and Structures in the Roadway under Section 138 of the *Roads Act (1993)*;
3. Approval of works and structures under S138 (for Stages 1,2,and 3);

4. Commencement and completion of Works of stage 1 of access upgrades required to service the CSSI construction process;
5. Commencement of CSSI construction works;
6. Commencement and completion of Works of stages 2 and 3 of access upgrades required to service the CSSI construction process;
7. Completion of CSSI construction works including finalisation of project impacts; and
8. Commencement of operation and maintenance of the CSSI;
9. Decommissioning of the scheme and restoration of the environment.

Sequencing of access requirements as provided by Alinta Energy

Stage	Design Vehicle	Scope	Completion required by
Stage 1	19m semi trailer 19m semi trailer with dolly 3m width low loader with steerable rear wheels OSOM mentioned but not specified	Indicative only	Unclear – commencement expected late 2025
Stage 2	OSOM for D10 dozer, batch plants, underground power station, reservoirs OSOM size varies in documents provided. Figure 4 from Rex Andrews referred to and copied below.	Indicative only (likely to vary based on detailed geometric and geotechnical design)	Unclear
Stage 3	OSOM for main transformer and turbine. The dimensions required vary in the supplied documentation. A 12m x 8m x 3.4m wide platform trailer with the load overhanging is listed as well as the figure 4 from Rex Andrews which is copied below.	Indicative only (likely to vary based on detailed geometric and geotechnical design)	Perhaps late 2028 – however, the same OSOM requirements are noted for Stage 2 as well.

Known Gap

Neither the HOA nor S138 Application will cover the road widening required on the Kempsey Armidale Road and Lower Creek road at the locations where intersections are required to be upgraded to facilitate the development.

No discussions have been held to date in relation to waste management for the Camp (600 residents) nor the ongoing development.

Proposed Conditions

General

1. Works to support, develop or deliver the CSSI development must not inhibit or adversely impact the Natural Disaster Works of the Essential Public Asset, the Kempsey Armidale Road. Works to develop the OMPS, must be sympathetic to the needs of the Natural Disaster works and the Lower Creek Community. Impact to the Kempsey Armidale Road Restoration Project may include time and cost impact to the development and delivery including acceleration, delay, scope change and other direct or indirect impacts and demonstrate consideration of the development and delivery of the restoration works.
2. Site possession during the construction phase of each project shall be to one party only.
3. Construction of each stage shall minimise traffic impacts on the newly constructed pavements associated with the development and the Kempsey Armidale Road.

4. Any damage caused to any Council infrastructure on or within the road reserve as a result of works undertaken for the development site shall be rectified by the developer to the satisfaction of the Council so as to ensure the integrity of Council's infrastructure.
5. All works completed on the Kempsey Armidale Road, within the Armidale Regional Council Local Government Area (ARC LGA) should be to Armidale Regional Council's Satisfaction.
6. The Kempsey Armidale Road has known structural and geometric deficiencies and is subject to mass and length restrictions. To address structural and geometric deficiencies along the Kempsey Armidale Road, prior to commencement of the development, a traffic management plan for construction traffic shall be completed to the satisfaction of Council incorporating geometric and geotechnical investigations and structural assessment of the pavement suitability including upslope and downslope stability with respect to any weight and length restrictions imposed on the road.
7. No drainage or road structure shall be located in private land and as such, road widening shall be required:
 - a. At existing intersections where additional treatment is required to support vehicle movements;
 - b. At all new intersections to facilitate the construction of appropriate intersection treatments;
 - c. At locations where any road upgrades are located outside of the current defined road reserve;
 - d. At locations where structural treatments of the road are required including slope stabilisation and pavement widening; and
 - e. At locations of drainage upgrades to allow free operation and maintenance of the structures.
8. Road widening shall require measures to facilitate maintenance of roadway infrastructure including road widening, drainage and slope stabilisation. The widening shall be sufficient to facilitate use of machinery for the access to, operation and maintenance of roadway infrastructure. Property boundaries shall not be closer than 3.0m to any infrastructure.
9. The Kempsey Armidale Road has length and mass restrictions imposed by the Armidale Regional council Traffic Advisory Committee. Over Size and Over Mass vehicle movements shall follow any restrictions imposed by the Traffic Advisory Committee and road management protocols developed by Armidale Regional Council to facilitate movements on the road.

Prior to commencement of CSSI construction works;

10. Prior to Commencement of CSSI construction works, an application for works and Structures under Section 138 of the Roads Act shall be made to Armidale Regional Council for works on the Kempsey Armidale Road. The application shall incorporate all upgrades required for the road to support the CSSI development and shall address all proposed loads and geometric requirements required for each stage of the development. The designs shall be designed to Council's satisfaction and at a minimum, be designed to be a sealed pavement with cross drainage designed to a 2% AEP.
11. Prior to commencement of CSSI construction works, a road maintenance program incorporating dilapidation surveys from Waterfall way through to Bellbrook for all roads used to service the development shall be developed and endorsed by Armidale Regional Council. Monitoring surveys of road dilapidation shall be undertaken regularly at a frequency agreed to by Armidale Regional Council until the commencement of operations. Intermittent dilapidation surveys will be undertaken prior to and immediately after any Over Size or Over Mass (OSOM) vehicle movements on the site during operation of the development.
12. Prior to Commencement of CSSI works and before Approval under Section 138 of the Roads Act for lead in works, an Interface Agreement shall be executed between the developer, Armidale Regional Council and Kempsey Shire Council in relation to the Kempsey Armidale Road Restoration Project (K2A) prior to the commencement of any works. The interface Agreement must address:
 - a. General acknowledgement of the separate works, and obligations of the agreement;
 - b. Governance arrangements to support execution and management of the agreement including controls and communication protocols, indemnities, design interface;

- c. Agreed typical operational conditions of site such as access schedule;
- d. Liability;
- e. Termination;
- f. Legal considerations including Council's obligations as a Local Roads and Local Planning Authority; and
- g. General administration and supporting controls as agreed.

13. To support the safety of workers on site, an Emergency Management Plan (EM Plan) for the delivery of CSSI construction works shall be developed and presented to the Local Emergency Management Committees of both Armidale and Kempsey for endorsement. The EM Plan shall be developed in consultation with state/local agencies responsible for responding to Fire and Flood events for both the Armidale Regional Council and Kempsey Shire Council Local Government Areas.
14. A permanent dedicated Landing Zone for the facilitation of emergency services and retrievals shall be constructed at the intersection of the main access road and the Kempsey Armidale Road to support the development.
15. Minimisation of waste and maximising of recycling is of paramount importance to reduce waste materials going to Council's land fill. In this regard, a Waste Management and Decommissioning Plan, with an emphasis on recycling and reducing waste going to landfill is to be submitted to the satisfaction and endorsed by Armidale Regional Council. Such plans should identify, quantify, and classify the likely waste streams to be generated during construction, operation, and decommissioning, and describe the measures to be implemented to manage, reuse, recycle and safely dispose of this waste. Such Plans are also to provide information on the expected lifespan of high volume wastes and any resource recovery opportunities that have been identified for these waste streams. Where current resource recovery options do not yet exist, any research, trials, and partnerships for resource recovery innovations should be noted and will be highly regarded. *Advising: If Armidale Regional Landfill is identified in the Waste Management and Decommissioning Plan as a disposal point, then disposal rates must be directly negotiated and agreed upon with Armidale Regional Council as part of the approval process and within the limits of Council's Environmental Protection Licences, and in accordance with Armidale Regional Councils adopted Revenue policy, fees and charges.*

During construction of the CSSI works;

16. The developer shall ensure that dust suppression is undertaken to ensure there is no visible dust emitted due to any works associated with the development. This can be in the form of constant water spraying or other natural based proprietary dust suppressant, to ensure that dust caused by any vehicles moving in, out or within the development site does not cause a nuisance to surrounding properties.
17. Any spillage of materials onto Council infrastructure, as a result of delivery or handling for this development, must be removed as soon as practicable by the developer and placed into suitable receptacles for reclamation or disposal in a manner that does not cause pollution of the environment

During operation and maintenance of the CSSI;

18. The Traffic Impact Assessment for the CSSI indicates additional loads and impact on the Kempsey Armidale Road during operation. During Operation, an annual contribution to the maintenance impact of the development shall be made to Council. Noting the design and resilience of the Kempsey Armidale Road is below current design standards, the contribution will be commensurate to the additional impact and loading created by the CSSI development.

Regards

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Acknowledgement of Country

We acknowledge the traditional custodians of this land and pay our respects to Elders past, present and emerging. The Armidale Regional Community pays tribute to their love of land, love of people, and love of culture.

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