

FORMAL SUBMISSION

OBJECTION TO LAKE VICTORIA WIND FARM

Application	SSD-71630724
Commonwealth referral	EPBC 2024/09965
Submitted to	NSW Department of Planning, Housing and Infrastructure
Attention	Luke Thorburn, Assessment Planner
Submitted by	Dr Anne Suse Smith Environmental Policy & Research Strategist
Date	6 October 2026
Position / outcome sought	OBJECT — REFUSE THE APPLICATION

1. Purpose and position

I object to the Lake Victoria Wind Farm proposal, SSD-71630724, and request refusal. The application presents substantial residual habitat loss, documented bird and bat collision risks, and water and battery hazards whose acceptability depends on safeguards still to be finalised. The applicant’s own evidence warrants a more demanding assessment before any approval is considered.

This submission focuses on protection of the water system, wildlife and the long-term condition of the land. It draws on the August 2026 Environmental Impact Statement (EIS), its included design and mitigation material, the Commonwealth controlled-action decision, and current Fire and Rescue NSW technical guidance. The source documents are listed in the references. Material reviewed for this submission does not include the separately exhibited technical reports in full.

2. Principal findings and assessment context

- The EIS identifies groundwater flow towards Lake Victoria and the Great Darling Anabranch, while some foundation excavations may intercept the water table.
- The north-west battery location has a modelled flood depth of 0.48 metres in the 1% annual-exceedance-probability event. Flood-resilience design and further modelling are deferred to detailed design.
- Wedge-tailed eagles and white-striped free-tailed bats are assessed as high risk for turbine strike. Bird and bat survey work is described as ongoing.
- The EIS reports direct impacts to 1,220.28 hectares of native vegetation, including 359.39 hectares classified as intact.

The proposal is for up to 147 turbines, up to 280 metres high, with battery storage of up to 300 MW/1,200 MWh. The EIS assesses 200 candidate turbine locations. Any determination must specify the permitted layout and design envelope and demonstrate that every allowed configuration meets the required environmental outcomes.

The Commonwealth decision of 10 December 2024 identifies listed threatened species and communities under sections 18 and 18A, and listed migratory species under sections 20 and 20A, as controlling provisions. The project requires EPBC assessment and approval before proceeding. The bilateral process accredits assessment; it does not itself grant Commonwealth approval.

3. Water protection: surface pathways, groundwater and supply

The EIS identifies potential movement of contaminants through leaching, overland flow, subsurface flow and dust, with possible effects on receiving environments including the Great Darling Anabranch. It identifies fuel and chemical spills, sediment-borne pollutants, dewatering discharges and concrete washwater as possible sources of water-quality impacts. The EIS concludes that residual risks are low following mitigation. That conclusion must be tested against the actual controls and credible adverse conditions.

The assessment also states that surface-water impacts on the Anabranch are unlikely because the footprint is more than 1.5 kilometres away and lacks easterly flowing ephemeral streams. That finding should be considered alongside the distinct groundwater pathway: the EIS states that groundwater generally flows south towards Lake Victoria and east towards the Anabranch. Some excavations may reach six metres, while groundwater in lower-lying areas is approximately three to four metres below ground. Surface drainage separation does not resolve the groundwater issue.

The EIS says surface-water quality data within the project area are limited. It reports inspection of two monitoring bores in January 2025, at which standing levels were recorded but no samples were collected. This is not evidence that no water data exist; it is a specific limitation requiring explanation when evaluating the baseline and groundwater-quality conclusions.

Table 13-4 identifies intersections with first- and second-order watercourses, dry swamps and a third-order watercourse crossed by underground cabling. Some mapped features require on-ground confirmation. The assessment must establish the actual crossings, drainage and infiltration pathways, downstream receptors and the behaviour of intermittent features during heavy rainfall and floods.

Water supply is also not settled merely by identifying a possible source. Section 13.4.2 proposes extraction from the Darling River at Pomona using works approval 50WA513956, which the EIS says expires on 26 September 2028. It says a new Water Access Licence and market-acquired entitlement shares are required. Construction is proposed to commence in late 2028. The Department should require confirmation of the continuing works authority, entitlement, available allocation and drought restrictions.

The water budget needs reconciliation: the construction resources section states 67–97 megalitres annually for each construction stage, whereas the water-demand section describes that range for the project under a staged approach. Require one consolidated budget explaining overlapping stages, potable supply, accommodation, dust suppression, batching and emergency reserves. Secure supply must be demonstrated without compromising existing users or environmental requirements.

Requested action: obtain an independently reviewed, site-specific water assessment covering rainfall and flood connectivity, excavation and dewatering, contaminant movement and control failures. Specify baseline sampling, monitoring locations, pollutant-specific thresholds, stop-work requirements, containment and treatment capacity, public incident reporting and enforceable remediation responsibility. The issue is whether credible pathways are adequately controlled; this submission does not claim inevitable contamination of the river system.

A finding of low likelihood is not a finding of no risk. The Department should evaluate both probability and consequence, disclose the uncertainty in the assessment, and test the effectiveness of controls if the event occurs. Where the consequence could include damage to water resources, a conditional risk rating is not an adequate answer without evidence that the controls are capable of preventing or containing that damage. The applicant should justify the assumptions underpinning its conclusions, including credible failure scenarios and sensitivity to adverse conditions.

4. Battery flooding, fire and contaminated runoff

Table 14-3 predicts flood depths of 0.48 metres at the north-west BESS location, 0.20 metres at the east BESS and 0.10 metres at the central BESS in the modelled 1% annual-exceedance-probability event. These are alternative layout locations, not evidence that all three will necessarily be built. The EIS proposes flood-resilient design and further modelling during detailed design. Measure HF3 says a 0.5-metre freeboard is to be considered by the project owner; it is not expressed there as an unconditional commitment.

The hazards assessment identifies possible off-site effects from battery fire, explosion, toxic gas release and loss of containment of contaminated water, but rates significant off-site risks unlikely with controls. The EIS recommends a later Fire Safety Study including fire and toxic-gas modelling. Table 15-12 also needs clarification: HA2 and HA3 refer in their descriptions to preparation before commissioning, while the timing column says pre-construction.

Current FRNSW guidance calls for consequence analysis to address secondary incidents and toxic water runoff, and calls for battery-specific assessment. It identifies contaminated-water management, automatic stormwater isolation where connected, disposal procedures and containment capacity with catchment mapping. The EIS cites 2023 guidance; the applicant should demonstrate that the fire strategy addresses the current applicable guidance.

The EIS adopts a Level One qualitative assessment for the BESS. It does not present that choice as proof that incidents cannot occur. The Department should explain why that assessment level is adequate for the proposed battery scale and flood exposure, and whether further quantified consequence analysis is required.

Requested action: assess fire, stormwater and flooding together, including a credible incident with active fire systems unavailable, simultaneous rainfall, impaired access and containment failure. Require battery-specific evidence, containment volumes, isolation systems, treatment and disposal arrangements, safe emergency access and adequate response capability. Resolve the fire-study timing inconsistency and make flood immunity and freeboard enforceable. These matters should be assessed before approval where they determine site suitability, rather than left wholly to later plans.

5. Bird and bat collision: prevention before monitoring

Section 8.5.3.2 identifies wedge-tailed eagles and white-striped free-tailed bats as high risk for turbine strike, with 17 other assessed species rated moderate risk. It also says the Bird and Bat Utilisation Survey is ongoing and the risk assessment will be updated following the Year 1 summary report.

The EIS records 136 wedge-tailed eagle observations, including 62 flights within the rotor-swept area. It also records black falcon flights in that area. These are survey observations, not individual population counts or recorded turbine deaths. They nevertheless establish exposure at this site and warrant substantive prevention measures.

Requested action: require the completed survey results, updated species-specific risk assessment and an independently reviewed final Bird and Bat Adaptive Management Plan before determination. The plan should demonstrate effective avoidance and set clear curtailment or shutdown triggers, response times, independent mortality monitoring, corrections for detection and carcass removal, and public reporting. The EIS itself acknowledges that the biodiversity credit scheme is unsuitable for offsetting unavoidable turbine-strike impacts. Habitat credits cannot be assumed to compensate for operational mortality.

6. Residual clearing and threatened-species impacts

The EIS reports direct impacts to approximately 1,220.28 hectares of native vegetation, including 359.39 hectares classified as intact. It identifies impacts to 29.62 hectares of the federally listed endangered Mallee Bird Community, and potential habitat losses for several threatened species. The species-specific habitat areas overlap and must not be added together.

For endangered Nulla grass, Table 8-5 records 357 plants within the 0.13-hectare development-footprint area surveyed in November 2025. The EIS identifies the species as an entity at risk of serious and irreversible impacts, but concludes that this project is unlikely to cause such impacts. I request independent scrutiny of that conclusion, further avoidance alternatives and the effectiveness of regeneration measures. The reduction from earlier layouts is relevant, but does not make the remaining impact immaterial.

The Department should also reconcile differing vegetation figures: section 8.5.1 reports 1,220.28 hectares, while Table 20-1 reports up to 1,228 hectares. Require one auditable clearing schedule for the final layout, with protected no-go areas and conditions preventing micro-siting from increasing approved impacts.

The EIS concludes that significant impacts on the assessed Commonwealth matters are unlikely. The Department must explain why that conclusion is supported despite the documented habitat losses, unfinished survey work and collision uncertainty. The existence of an offset obligation does not itself establish that every residual impact is acceptable.

The EIS also discusses the later-listed River Murray downstream of the Darling River, and associated aquatic and floodplain systems ecological community. It reports Commonwealth advice about the timing of the listing and concludes that overlapping vegetation does not meet the community's condition thresholds. Requested action: address the water and floodplain issues on their NSW environmental merits and verify the evidence for this conclusion, rather than treating the Commonwealth listing timing as resolving the environmental issue.

7. Cumulative impacts require a combined assessment

The EIS recognises potential cumulative biodiversity effects with the adjacent Copi Mineral Sands Project, including habitat impacts, migratory species, dust, weeds and vehicle strikes. It acknowledges limited information for some future projects and relies on later coordination. Require combined assessment of relevant water demand, catchment effects, habitat loss and operational risks; impacts should not disappear between separate approval processes.

Requested action: assess shared receptors and combined demands, including the Copi Mineral Sands Project, using transparent assumptions for overlapping construction and operation. Acknowledge missing information and test whether proposed safeguards remain adequate in combination. Coordination between contractors is useful, but does not replace an assessment of combined environmental effects before determination.

The cumulative assessment should evaluate the combined pressure on the same water resources and ecological receptors, rather than infer acceptability from separate project-level risk ratings. Require scenarios for concurrent water extraction, overlapping earthworks and sediment mobilisation, loss and fragmentation of habitat, combined bird and bat exposure, and simultaneous demands on emergency services where these are credible. Identify the projects included, assessment boundaries, time periods, available data and material uncertainty. A low residual rating for this project alone does not establish that the combined burden is acceptable.

Assessment is not itself an enforceable control. The March 2026 NSW cumulative impact guidelines contemplate conditions addressing the project's contribution, including performance standards, operational adjustments and monitoring. This does not demonstrate effective control of the total regional burden. Require the Department to identify the responsible authority, specific obligations within this operator's control, measurable intervention thresholds, compliance arrangements and action if coordination with other operators fails. If acceptable combined outcomes cannot be demonstrated and secured through valid conditions or other identified mechanisms, that unresolved limitation weighs against approval.

8. Incident funding, decommissioning and financial responsibility

The NSW Government's Renewable Energy Planning Framework FAQ leaves decommissioning risks and costs to industry–landholder commercial negotiations. It expressly acknowledges that insolvency may leave the landholder responsible, because the obligation attaches to the land, and describes privately requested bonds as optional commercial arrangements. This is an acknowledged exposure requiring a project-specific answer. A consent obligation to rehabilitate is not itself a funded guarantee of performance. The Department should explain how Lake Victoria will avoid transferring unfunded closure obligations to landholders, rather than rely on general statements that decommissioning costs are small or recoverable from operating revenue.

No adequate, enforceable incident funding arrangement has been demonstrated in the material reviewed. The reviewed main EIS does not identify a specific catastrophe-response bond, its amount, beneficiary or terms. This is a question requiring an evidenced answer; it is not a claim that no insurance or other security exists. Before determination, disclose the proposed arrangements for funding a major fire, contaminated runoff,

flood-related release or other credible serious incident, including exclusions, limits and provision for operator insolvency.

Requested action: require an independently costed and enforceable incident-response and remediation funding arrangement, explaining whether a bond, bank guarantee, dedicated fund or other mechanism will secure it. The assessment should identify who can call on the security, when funds become available, and how the amount covers containment, contaminated water removal, remediation, monitoring and restoration for credible severe scenarios. Require periodic review, replenishment after a drawdown, and continuity through ownership changes and insolvency. Insurance should be evaluated against these obligations and any coverage gaps, rather than simply assumed sufficient. These are requested safeguards, not assertions that a particular bond is already legally mandatory.

Incident-response security and end-of-life rehabilitation security serve different purposes. The Department should demonstrate that both obligations are funded, with a clear allocation of responsibility, so that money intended for closure is not exhausted by an earlier incident.

The EIS proposes leaving foundations, hardstands and some cabling in place at closure. It anticipates a detailed rehabilitation plan no less than five years before decommissioning, while acknowledging that detailed decommissioning methods and associated soil and water impacts have not yet been assessed. These are long-term land and water obligations, not incidental matters.

Requested action: require a costed rehabilitation standard and independently reviewed financial security that remains adequate over the project life and protects against operator failure. Identify what must be removed, what may remain, the consequences for future land use and water, and lawful waste pathways. The EIS recognises that Australian refurbishment and recycling markets are still developing; assumed future capacity should not transfer closure risk to landholders or the public.

9. Requested determination and reasons

I request refusal of the application as presented. The proposed environmental outcomes are not sufficiently demonstrated in the material reviewed to justify acceptance of the remaining risks and habitat losses. The assessment must give substantive reasons on site suitability, environmental impacts and the public interest, including direct responses to the grounds raised here.

If approval remains under consideration, I request completion and independent review of the material surveys and assessments identified above, public release of the findings, and a further opportunity for submissions on material new information or significant redesign. Any consent must identify the permitted development envelope, measurable protection standards, compliance monitoring, intervention triggers and financial responsibility. My requests for safeguards do not withdraw my objection or constitute support for approval.

The water system, wildlife and future condition of the land require protection that can be demonstrated and enforced. A promise to prepare further plans is not, by itself, evidence that those outcomes will be achieved.

10. References

Lake Victoria Wind Farm Pty Ltd ACN 669 902 738 as trustee for the Lake Victoria Wind Farm Unit Trust. Lake Victoria Wind Farm: Environmental Impact Statement. August 2026. SSD-71630724. Applicant's exhibited main EIS, supplied as getContent.pdf. Exhibition and document list:

<https://www.planningportal.nsw.gov.au/major-projects/projects/lake-victoria-wind-farm>

Australian Government DCCEEW. Notification of referral decision and designated proponent – controlled action: Lake Victoria Wind Farm (EPBC 2024/09965). Decision dated 10 December 2024.

https://epbcpublicportal.environment.gov.au/_entity/sharepointdocumentlocation/d4e1d5df-78b7-ef11-b8e8-0022489368cf/2ab10dab-d681-4911-b881-cc99413f07b6?file=2024-09965-Referral-Decision.pdf

Fire and Rescue NSW. Technical information: Large-scale external lithium-ion battery energy storage systems. D15/40647, Version 03, cover dated 3 July 2026. <https://www.fire.nsw.gov.au/?a=2451>. Accessed 6 October 2026. This guidance informs the requested assessment; it is not presented here as proof of a statutory breach.

NSW Department of Planning, Housing and Infrastructure. Cumulative Impact Assessment Guidelines for State Significant Projects. March 2026. <https://www.planning.nsw.gov.au/sites/default/files/2023-03/cumulative-impact-assessment-guidelines-for-ssp.pdf>. Accessed 6 October 2026. The current document at this URL is dated March 2026.

NSW Department of Planning, Housing and Infrastructure. Renewable Energy Planning Framework – Frequently asked questions. Decommissioning and Waste Management. <https://www.planning.nsw.gov.au/sites/default/files/2024-11/renewable-energy-planning-framework-faq.pdf>. Accessed 6 October 2026.