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Our Reference: OUT-6266/22

10 October 2022

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Dear Mr Davies

Comments on the Liverpool Range Wind Farm Modification Application (SSD-6696-Mod-1)

1. Introduction

Thank you for the opportunity for Upper Hunter Shire Council ('Council') to address the proposed Liverpool Range Wind Farm Modification Application ('Mod'). The Mod is in relation to the Liverpool Range Wind Farm Project (SSD 6696) ('Project') consented on 27th March 2018.

As you are aware, the State Government recently formalised the local government areas of Mid-Western, Dubbo Regional and Upper Hunter for this Mod for the placement of renewable energy developments – called the Central West Orana Renewable Energy Zone ('REZ'). There are currently 20 known energy generation/transmission projects planned or approved for the REZ and that number is predicted to grow substantially by 2030.

In summary, Council objects to the Mod for several reasons, including:

a) The Mod fails to address the fundamental land use policy changes arising since the Project's approval in 2018, namely the designation of the locality as part of the 'REZ'. These changes are now core to the Mod's 'existing environment' and accordingly should be assessed;

b) Following on from point 1, the Mod is silent on the likely cumulative impacts of multiple energy generation and transmission projects. Cumulative impacts must be adequately addressed so as to avoid the mistakes of the Hunter Valley coal mine development process;
c) Following on from points 1 and 2 above the Mod is silent on the likely 'scaled -up' social impacts. There will be ongoing disruption and disturbance to rural communities if the myriad of renewable energy generation and transmission projects takes hold and social impacts must be properly addressed;
d) The Mod does not pass the 'Substantially the Same Development' Test due to the scope and extent of the alterations to the Project and resultant impacts; and
e) The Mod will generate a significant intensification of local road and traffic impacts and this impact has not been adequately addressed and signed-off jointly by the parties.

These matters are elaborated on below.

Please note Council defers its comments in relation to any contemplation of conditions of consent for the Mod until such time as the salient matters raised herein are adequately addressed.

2. Scope and Extent of the Proposed Changes to the Project

It is understood the Mod plans, inter alia, to:

a) Will have a capital cost of more than $2 Billion (up from $1.5 Bil) and operate for 25 years;
b) Occupy a comparable area of land to the Project, namely 52,120 ha. The Mod land area is to comprise:
    - 46,540 ha (Wind Farm Site) and
    - 5,580 ha (External Transmission Line Site);
c) Decrease the number of turbines from the Project's 267 to a maximum of 220;
d) Increase the height of the turbines by 85 m by having blade lengths of 90 m (compared with Project's 50-60m), thus increasing the blade tip height to 250 m above ground level, as opposed to the Project's 165 m tip height;
e) Substantially increase the type and number of heavy vehicles using local roads;
f) Increase the turbine engine power ratings from the Project's 3.6 MW to 6-6.2 MW;
g) Increase the energy generation capacity to 1,320 MW from the Project's 962 MW by using bigger turbines;
h) Increase the number of non-associated residences with turbines visible to 57;
i) Upgrade 120 kms of public roads across the LGAs;
j) Include the subdivision of additional land to create new separate lots for the connection of electricity infrastructure to the grid and road straightening;
k) Change the Project's Over-size/over-mass (OSOM) Haulage Route to enable the transportation of longer blades and larger wind farm components from the Port of Newcastle to the Mod site;
l) Increase the number of permanent meteorological masts from the Project's 10 to 14;
m) Increase the height of the permanent meteorological masts from the Project's 165m to

250m;

n) Increase the number of on-site collector substations from the Project's 4 to 7;
o) Increase the number of permanent O&M facilities from the Project's 1 to 3;
p) Increase the number of temporary concrete batch plants from the Project's 4 to 9;
q) Increase the number of construction compounds and material laydown areas from the Project's 6 to 9;
r) Build an additional 28 temporary site calibration meteorological masts to the final hub height and then removed prior to erection of the relevant turbines;
s) Have 47 site access points from nearby public roads for construction and maintenance purposes north of the Golden Highway; and
t) Have 43 site access points from nearby public roads for construction and ongoing maintenance of the proposed External Transmission Line located south of the Golden Highway.

3. Road and Transport Impacts

Council is the roads authority for all public roads within Upper Hunter Shire other than Crown roads, as per s. 7 of the Roads Act 1993. Prior to undertaking any works within a public road, specific consent for the detailed design and construction methodology must be obtained from the roads authority under ss. 87 and 138 of that Act. Before granting consent in relation to any works on classified (State or Regional) roads, Council must obtain concurrence from Transport for NSW unless Transport for NSW decides to exercise the functions of the roads authority under s. 64 for those works.

This submission sets out, inter alia, how the Mod application demonstrates there will be a large intensification of impacts compared with the approved Project. Council has concerns that the proposal in its current form does not mitigate these impacts to a fair and reasonable extent, and the cost of such mitigations would therefore be unduly borne by State government agencies, Council and local communities over the life of the Mod.

Specifically in relation to road and transport impacts:

a) The blade dimensions would increase to 90m (from 55m), an increase of 64%, substantially increasing the loading and number of heavy vehicle axle movements which directly influence pavement wear and tear, blade truck swept paths which increase the road works footprints at intersections and sharp bends, and the complexity and impacts of temporary road closure and traffic management controls;
b) The masses and number of heavy vehicle movements for supplies generally including steel, concrete, gravel and water have been shown by the applicant to be exponentially greater due to the compounding structural engineering requirements and larger concrete foundations, crane hardstand and component laydown areas needed to achieve nearly triple (+164%) the rotor swept area supported by the towers (Mod-1 Report, Tilt, September 2022, Figure 25). The concrete foundation and crane hardstand areas for each tower will increase by around 70% in surface area (Table 17);

c) The original Project's updated Traffic and Transport Report (TTR, Epuron, February 2017, Table 5-2) assessed 344 peak daily movements with some 40,500 heavy vehicle movements (20,250 loads) during construction including 2,820 OSOM tower component deliveries (Table 1-1).
As part of the Mod the applicant asserts a reduction to 304 peak daily movements is expected (Traffic Impact Assessment, Stantec, Table 4.1) while the total heavy vehicle movements during construction are forecast at around 94,300 including 2,902 OSOM component deliveries (Mod-1 Report, Table 53).
Clarification of these details are required;

d) The Mod proposes Stages 2 to 4 of wind farm construction (other than pre-construction minor works) would commence in parallel with the required road upgrades (Mod-1 Report, Figure 19). This would cause significant traffic volumes including heavy vehicles to use public roads which are currently deficient in terms of relevant specifications (e.g. Austroads) for geometry and safety features, including (but not limited to) turning lanes, lane and shoulder widths and roadside hazards. Poor traffic safety performance and impacts are likely to arise. Details are discussed in **Attachment A**;

e) Council is unable to complete an assessment of the revised proposed public road upgrades based on the information provided. Following is an overview, with further details provided at **Attachment A**:

- Concept plans or geospatial printouts at a suitable scale (e.g. 1:500) are necessary along the entire extents of the proposed public road upgrade segments and intersections, depicting property boundaries (cadastre), Lot/DP numbers, existing surface level contours and other key info such as relevant planning constraints. Engineered (3D) plans are not required at this stage.
- Where works are proposed within private property, the land required shall be dedicated as public road (widening) and owner's consent to the proposal is required to the satisfaction of DPE prior to Mod determination.
- Where owner's consent is not forthcoming, road realignment within the existing public road reserves is to be expressly shown. Existing road reserve geometry may give rise to additional considerations such as whether safe design speeds, curve radii and sight distances can be achieved for the travelling public and project personnel.
- Where OSOM movements will temporarily overhang private property, access licences are to be agreed with each landowner prior to Mod determination or proof that an alternate swept path is achievable in the event any such licence cannot be obtained. Road reserve tree clearances and appropriate biodiversity offsetting require the prior approval of Council.

f) Given the significant intensification of traffic, Council will require renegotiation of the VPA to deliver a fairer and more reasonable value of road maintenance impacts. Any VPA amendments must be substantially agreed (and documentated) prior to any consideration of any consent to enable incorporation of the revised VPA into the consent.

The Project Consent required that the public roads and intersections set out in Appendix 6 (Schedule of Road Upgrades) be implemented in accordance with the relevant timing requirements specified to the standard and satisfaction of the relevant roads authority.

Following provision of the information requested at Attachment A, and if there is any contemplation to approve the Mod, then the Road Upgrade Schedule (contained in the Consent) must be updated to reflect the revised commitments therein.

To be clear, any intended changes to public roads, or to the road corridor, or to the vegetation therein, will require Council's prior written approval in accordance with ss. 87 and 138 of the Roads Act.

4. Other Information Deemed Lacking

Aside from the issues pertaining to roads and transport matters listed above, Council seeks greater transparency and resolution on the following key matters:

i. How and where the 800 construction workers for the up to a three-year construction period will reside and how that impacts on available accommodation for tourists in the light of the multiple number of proposed major energy projects to be constructed in the REZ;
ii. The actual quantity of aggregate required and the source of supply. The Mod data on this matter is opaque, stating only that the rolled-up quantum of aggregate, sand and cement is 482,000t. Details in Attachment A raise concerns this quantity may not reflect the entire Mod scope;
iii. The actual source of the 621ML of water required for construction, the likely impacts on intended groundwater sources and whether regulatory approval will be granted;
iv. The actual quantities and types of solid and liquid wastes and where they are to be disposed/treated and what the implications may across the lifespan and all phases of such facilities and the related cost of extensions;
v. The length of the construction period. Statements in the Mod documentation range from 18 months to 'approximately three years' (section 6.2);
vi. Renegotiation of the Planning Agreement, in accordance with *Clause 10: Review and Alteration of this Agreement* – see section 8 below and Attachment B hereto;
vii. The mechanisms the Proponent intends to action to avoid and minimise bushfire outbreaks; and
viii. The likely cumulative impacts of all REZ-based activities in the Shire and who will reap the benefits and who will bear the costs.

5. Application of the 'Substantially the Same Development' Test

For the reasons outlined in this submission Council challenges the Proponent's assertion that it is 'substantially the same development'.

Council notes that the Mod is being submitted as an "Other Modification" in accordance with section 4.55(2) of the EP&A Act. It is also deemed a "State Significant Development on land with multiple owners".

It is understood that before the DPE can validly modify the development consent under section

4.55(2) of the EP&A Act, it must be satisfied that the development as modified will remain "substantially the same development" as the development for which consent was initially granted in March 2018 (referred to as the 'Substantially the Same Development Test').

A judgement therefore needs to be made as to whether the Mod seeks to substantially or materially alter the "essence" of the development to such a degree that the Mod as proposed is no longer substantially the same development.

It thus requires a comparative assessment of the Project and the Mod. For the Mod to proceed, the result of the comparison must be a finding that the Mod is "essentially or materially" the same as the approved Project.

The comparison involves an appreciation – both quantitative and qualitative - of the Mod and the Project being compared in their proper contexts, including the circumstances in which the development consent was granted.

It is noted in Table 7 of the Mod that the Proponent acknowledges that the Mod does *'in some respects increase the overall footprint and environmental impacts'* compared with the approved Project. In Table 7 it also states that the Mod will have a *'materially larger indicative disturbance footprint'*. Greater impacts to biodiversity are also acknowledged.

In light of points raised herein Council considers that, by any fair and reasonable judgement, the proposed changes substantially alter the materiality of the approved Project and thus does not support the Proponent's assertion that it is 'substantially the same development'.

Aside for all the technical changes, the clear expectation of multiple projects in the 'social locality' (the REZ) means that the 'existing environment' has changed and the likely cumulative social impacts will be substantially different to what was envisaged back in 2018.

6. Local Communities – Social Impacts Inadequately Addressed

The State Government has recently formalised the local government areas of Mid-Western, Dubbo Regional, Upper Hunter - and Upper Hunter for this Mod - for the placement of renewable energy developments – called the Central West Orana Renewable Energy Zone ('REZ'). There are approximately 20 energy generation/transmission projects planned for the REZ and that number is predicted to rise over the next decade.

At present the Mod documentation focuses primarily on the engineering/technical aspects of what is a quasi-industrial development. Interestingly, the Mod is relatively silent on examining the social impact consequences and how the Proponent will manage them. See Attachment C for the list of 'typical' social impacts associated with a wind farm, sourced from the DPE's own SIA Guideline Technical Supplement, page 28.

A reasonable person could not assume that there would not be such changes, and therefore the precautionary principle suggests that further consideration of social impacts as listed on Attachment C is warranted. At the very least, the clear expectation of multiple projects in the 'social locality' means that the **likely cumulative social impacts** will be substantially different to what was envisaged

back in 2018.

Thus, if despite Council's opposition, the DPE is still of a mind to approve the Mod, then the Developer must be required to give far more attention to not only the project-specific social costs but also the broader cumulative social costs and benefits to the Shire/Region and how it intends to enhance positive social cohesion between the proposal and the local community.

7. Water Consumption

The Developer now estimates that 621 ML of water will be required for construction works including:

- Access track fill/gravel conditioning and dust suppression = 468 ML
- Overhead Transmission Line = 86ML
- Turbine foundations = 54ML
- Public Road Upgrades = 11 ML
- Substations = 2.2 ML

The Mod requires substantially more water than the Project stated because of, inter alia, larger turbine foundations. It is noted the original EIS was deficient in not addressing the water demand for access track fill/gravel conditioning and dust suppression.

Council is of the view that the Mod documentation is vague as to the actual plans to source and extract groundwater for the development. This important issue needs to be transparently resolved prior to any contemplation of approving the Mod.

8. Planning Agreement

Council will be requiring a review and renegotiation of the Planning Agreement, in accordance with *Clause 10: Review and Alteration of this Agreement (*see Attachment B) because of the substantial and fundamental changes reflected in the Mod, compared to the original Project.

a) Road maintenance costs

The Mod acknowledges the Project approval documentation significantly underestimated the number of likely heavy vehicle movements. It is highly likely that the current road maintenance cash contribution mechanism within the VPA will not be sufficient to offset the road maintenance impacts of the proposed Mod.

Preliminary analysis suggests that, due to both the more than doubling of forecast heavy vehicle movements and the significant reduction in the number of turbines, the pricing mechanism (which, as drafted, was proportional to the number of turbines) is likely to result in a large shortfall in maintenance funding.

Any shortfall will need to be determined and resolved by the parties prior to any contemplation of the granting of modified consent.

b) Council's jurisdiction

Council also takes this opportunity to comment on the Liverpool Range Wind Farm Pre-Lodgement Community Consultation Report ('Report') contained within Appendix H: Stakeholder and

Community Engagement Plan.

The Report suggests that some members of the public are critical of the Project's Planning Agreement secured by Council 2018. Because the Project has not become operational, neither the Planning Agreement nor the funding allocation mechanism are yet to be tested, hence Council considers the criticism somewhat hasty and without evidence.

The form and content of the Planning Agreement was structured in accordance with State Government policy and guidelines. A section 355 Committee structure (across the two host Councils) has also been established to facilitate community input to decision-making on the allocation of the Development Contributions.

Council remains to be convinced that a separate allocation to a community group, rather than all the development contributions being managed by the two host Councils, is justified for the following reasons:

a) As per the provisions of the EP&A Act, the Local Government Authority is responsible for negotiating and implementing a Planning Agreement. With that comes certain statutory responsibilities and obligations for which Council is liable.

   Outsourcing Council management responsibilities to the general public, for instance a community group, carries considerable governance, accountancy and legal risks. Similarly, under the Local Government Act, the Council has statutory obligations that are at odds with outsourcing to a community group the management of large sums of what are in essence funds to be administered for the benefit of the public;

b) Under the EP&A Act Council is legally responsible for managing and reporting on the performance of the Planning Agreement. These aspects include decision-making for the allocation of funds, the appropriate management of said funds, the performance of projects allocated funding and annual reporting;

c) Funds administered by a community group may result in additional assets being established that the Council is expected to maintain and replace throughout the assets lifecycle. Such assets might not be in accord with Council's four-year Delivery Program and Operational Plan, thus creating an unwanted and unsustainable financial burden on Council; and

d) The Proponent plans to provide direct financial compensation to neighbouring landholders, (other than those that host turbines) who are potentially impacted by noise and visual impacts. Hence, several community members will already be receiving direct financial benefits.

9. Conclusion

Council looks forward to engaging with the Proponent and DPE to address the concerns articulated

herein.

Given both the policy situation and the political focus on energy reform, Council requests an urgent meeting with the Secretary of the DPE, Mr Michael Cassel to discuss the matters raised herein.

If you have any queries, please don't hesitate to contact the undersigned.

Yours faithfully

Greg McDonald
GENERAL MANAGER

ATTACHMENT A:

LIVERPOOL RANGE WIND FARM MOD-1: ROADS DETAILED ASSESSMENT COMMENTS

In relation to road and transport impacts of the proposed development, Council acknowledges that detailed engineering and other specialist information may be deferred to post-consent approvals processes where practicable.

However, the following items are to be resolved prior to any consent determination to ensure that any consent is legally achievable and enforceable, Voluntary Planning Agreement arrangements are feasible, fair and reasonable, and all likely impacts are assessed in accordance with the Environmental Planning & Assessment Act 1979.

It is noted the DPE is to consider the provisions of s. 2.119 of the SEPP (Transport and Infrastructure) 2021 which include:

The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that, inter alia:

(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—

(i) the design of the vehicular access to the land, or

(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land.

Reconciliation of Light Vehicle (commuter) impacts

1. A more detailed reconciliation of peak hourly, average daily, and total project light vehicle (LV) movements during the commuter periods is requested, including the following details.

2.Please specify the maximum daily workforce headcount proposed to attend the site during the construction phase, inclusive of employees and contractors. The workforce is to include all offsite works teams including public roadworks. The Mod-1 Report specifies in the social impact commentary some 800 staff roles will be created during construction (is this total or peak instantaneous)?

3.Please reconfirm typical workforce shift start and end times, such as day and night shift if required, and confirm the maximum headcount commitment to be assigned to each shift.

4.For trip distribution on the network, provide an estimated breakdown of potential number of workforce headcount by place of residence (towns, major villages or major rural accommodation providers), estimated on the day maximum workforce headcount occurs.

5.State the assumed average car occupancy rates (voluntary carpooling). With the workforce accommodated in surrounding areas, the average occupant rate may be expected to be close to 1 in line with the general economy, unless the developer implements policies.

6.Confirm whether any managed commuter bussing or car-pooling arrangements are proposed to apply as a minimum commitment (minimum headcount) under the Mod to decrease peak hourly LV

trips. Such arrangements may be enforceable within a Construction Traffic Management Plan.

7.The estimated 304 peak daily vehicle movements minus 256 peak daily HV and OSOM movements (Traffic Impact Assessment / TIA, Stantec, 13/07/22, Table 4.1) gives 48 LV movements per day. The number of LV movements and size of the workforce required to execute a project of this scale appear to be significantly underrepresented. It is noted that each commuting private vehicle is expected to generate at least 2 one-way trips per day. Please show working.

Reconciliation of Heavy Vehicle impacts

8.A more detailed reconciliation of heavy vehicle (HV) movements during each of the construction, operation and decommissioning / renewal phases is requested, including the following details.

9.Provide individual line items for the following categories of HV traffic, for each project phase: each major OSOM component type (including blades, tower segments, nacelles, transformers), gravel sourced offsite, gravel sourced onsite, sand sourced offsite, sand sourced onsite, trench fill not captured elsewhere, concrete, water sourced offsite, water sourced onsite, steel (including structural, cladding and reinforcing), electrical cabling overhead and underground, vegetation waste, and any other significant materials.

10.For each line item, estimate the average load/material mass per truck (i.e. excluding truck tare mass), the average combined load and truck mass, the total overall project mass of material transported, and the number of movements (laden and return unladen count as one movement each) occurring during each project phase. Express number of movements in terms of peak hourly, daily, and total for each project phase. For granular materials also state the assumed densities in transit and once placed in situ onsite.

11.For each category of OSOM movement (e.g. blades, tower segments, HV transformers, but ignore permitted General Mass Limits combinations such as semi-trailers or B-doubles) please confirm details of proposed worst-case haulage vehicle envelopes including: maximum combined load and truck mass, minimum number of axles, estimated Equivalent Standard Axles (ESAs calculated in accordance with Austroads AGPT02) per truck and trailer combination, minimum trailer wheelbase length (distance between front and rear axle groups), and for the blade transporter confirm minimum ground clearance at mid-wheelbase (to clear road crests and dips).

12.The TIA (s.4.2.4) refers to 75 HV movements per day for road construction in addition to the wind farm HV projections. It's unclear if the peak HV generation is therefore 256 + 75 (Table 4.1). Please include all HV movements in the reconciliation.

13.The Mod reports do not quantify the estimated attrition rate and replacement of major (OSOM) and general components, both throughout the operational period and at the end of the project design life (if the project life is extended or a renewal campaign is undertaken). A percentage annual renewal rate or other valid method should be applied to the initial construction HV volumes to estimate the ongoing demand for these components. This is relevant to road wear and tear over the project life.

14.Similarly for the decommissioning phase, greater certainty is sought as to the projected HV

movements if the project is not renewed at end of life. Is it envisaged the decommissioning would be significant in magnitude of trips using a proportion of construction HV reconciliation counts, as components, structural foundations and infrastructure are disassembled and taken offsite?

15.Is the Mod consent sought to approve an 'in perpetuity' land use, or is a time-limited consent to operate sought with provision for renewal or extension? A draft consent condition should reflect how this would operate and any VPA offer should clearly set out the procedure to renegotiate cash contributions at project renewal / extension, for example if contributions are based on HV impact calculations over a fixed project life instead of 'in perpetuity'.

16.The Mod report estimates by reducing the number of turbines by 18%, there will be a reduction in the number of OSOM movements by 12% (Table 55). The HV reconciliation should show working to verify this claim. Contrastingly the mass of structural components, foundations and hardstands for the turbines is expected to significantly increase as the tower height (excluding rotor) would increase from 110m to 160m (45%) and the foundations and crane pad by 60-70% as stated elsewhere.

17.In addition to 482,000 tonnes of gravel, sand and cement used in turbine concrete foundations (Appx A Table A.3) which might be expected to generate (say) in the order of 15,000 truck and dog movements, this figure does not include materials quantities for new public road widening, access tracks, hardstands and laydown areas, transmission tower foundations, trenches and so on. Preliminary analysis suggests these movements may consume most of the total project HV movement estimate of 94,291 movements (Mod-1 Report Table 53). Please include in the reconciliation.

18.Similarly, total project water demand is stated as 620ML (Appendix A Table A.4). Testing an average 15kL watercart capacity this might equate to around 43,000 truckloads (87,000 movements) which on its own would almost consume the total project HV movement estimate of 94,291 movements. Please include in the reconciliation.

19. 120 km of public road upgrades, 265 km of private access tracks and 100km of transmission line tracks are proposed (App A s.6.2) with total water demand ~479ML (Table A.4). Is 11ML allocated for public roads (2% of total or 92L per m) too low?

20. 3,600L water demand for gravel/fill conditioning and dust suppression per week (Appx A s.6.2 and Table A.4) is a fraction of a single watercart tank across the entire project area in a week. Pavement construction and dust suppression can be expected to be orders of magnitude bigger to achieve compaction criteria and manage dust impacts on surrounding receivers and cumulatively on the environment. This figure should be clarified along with a high-level breakdown of the 468 ML 'general construction' estimate.

Public road upgrades

21.The application refers to 110 km of public road upgrade works and ground disturbance analysis (which require Council consent under ss. 87 and 138 of the Roads Act) but route diagrams have not been shared with sufficient detail to assess planning requirements. Concept-level sketches or Geospatial Information System (GIS) plots are required along the public road upgrade routes and

intersections.

Please depict the following at minimum: suitable scale with aerial photo base map and road and vegetation features legible (e.g. 1:500), an indication of the proposed upgraded or realigned carriageway footprint along the route, OSOM blade swept path outlines at intersections and tight bends, all dedicated public reserves, cadastral boundaries and Lot/DP numbers, known government-owned parcels (i.e. Council, Crown Lands, Travelling Stock Reserves), existing surface level contours, designated site accesses (private intersections), other significant constraints such as structures or protected vegetation.

Engineered (3D) designs are not required for all public road works at this stage, although sufficient information should be shown to demonstrate hazards, road safety and geometric requirements can legally and practicably be achieved (subject to detailed design if the Mod is approved) in accordance with relevant standards including Austroads.

22.Bridge and major culvert structural capacity certifications should be provided prior to Mod determination so the scope of bridge upgrade works (if any) can be confirmed. All such Council structures are to be assessed in regard to each of the worst-case OSOM vehicles.

23.The Schedule of proposed road upgrades at Appx C.5 (which would replace the SSD consent Appendix 6) is not accepted at this time. Final reconciliations of LV and HV types and volumes as requested above are needed first to ensure upgraded road facilities are adequate to cater for the development in accordance with relevant standards such as Austroads and ARRB Best Practice Guides for Sealed and Unsealed Roads. The Schedule to be inserted in the consent should specifically and transparently set out the intended concept-level scope when it is agreed with Council.

24.Permanent turning lane or shoulder upgrades should be considered in line with Austroads AGTM06 Figure 3.25 warrants at all Council public road intersections. At a minimum, Basic Left and Basic Right treatments are to be provided due to the significant traffic intensification for the life of the project, fully bitumen sealed where installed on sealed roads.

25.Council staff have significant concerns with the proposed 'in-parallel' staged construction of Stages 2 to 4 (Mod-1 Report, Table 15) which would allow turbine construction to proceed before needed major road upgrades are completed. Council generally notes the reasons given by the applicant in support and the request to defer detailed consideration until post-consent determination, which includes an offer to undertake a Road Safety Audit. However, further discussion is sought as additional concerns are to be overcome including:

- Significant traffic volumes including heavy vehicles would use public roads which are currently deficient in terms of relevant specifications (e.g. Austroads) for geometry and safety features, including (but not limited to) turning lanes, lane and shoulder widths and roadside hazards. Unacceptable traffic safety impacts are likely to result. The applicant has implicitly acknowledged this in having identified all of these locations for upgrades.

- The scope of public road works should be reasonable, specific and certain as part of Mod consent conditions to meet EP&A Act and common law requirements. A Road Safety Audit will result in uncertain and non-binding recommendations leading to disagreement as to the

scope of any development consent.

•Reduced speed or other interim measures with nuisance and economic opportunity costs for the travelling public should be minimised as reasonably practicable and not be protracted over many months.

•Could a 'build inwards' methodology to open up each cluster, or a hybrid method with the current Mod staging plan, feasibly and reasonably meet project requirements?

26.The Stantec sight line assessment assumes a design speed of 80 km/h. This assumption may need to be revised in accordance with Austroads AGRD03 and AGRD04 for specific locations on sealed roads depending on likely operating speeds, as a 100 km/h or no speed limit is signposted. Council will advise on review of the detailed strategic sketches / GIS plots requested above.

27.Note: Consent for works within the classified State or Regional roads will require s. 138 concurrence to be obtained from Transport for NSW (TfNSW).

Road and property impacts

28.No new sections of public dedicated or private roads or tracks (or any other infrastructure) shall become Council's responsibility to own or maintain as a result of the proposal. Council may have specific requirements before the developer upgrades sections of public dedicated roads which are historically not Council's responsibility to maintain (typically near the end of public roads where a small number of traffic-generating properties are served).

29.All access tracks within private property which serve another property are to be by a legal right of access on the title, or by individual access agreements with each owner for the life of the project. Renewal (if the project life is extended) must be at the option of the consent-holder to avoid legal issues with access and rights under the consent in future. Public road dedication is not to occur as a result of the development.

30.Where roadworks are proposed within private property, the land required shall be dedicated as public road (widening) and owner's consent to the proposal is required to the satisfaction of DPE prior to Mod determination. Ownership status of such parcels is required.

31.Where works are proposed beyond either the road reserve fence or the cadastral boundaries, with apparent disagreement as to the extent of legal public road reserve, a registered land surveyor should confirm.

32.Where owner's consent is not forthcoming prior to Mod determination, road realignment within the existing public road reserves is to be expressly shown. Existing road reserve geometry may give rise to additional considerations such as whether safe design speeds, curve radii and sight distances can be achieved for the travelling public and project personnel.

33.Where OSOM movements will temporarily overhang private property (including the mid-span or tail overhang of wind blades), the consent authority should be satisfied preliminary access licences have been secured with each landowner prior to Mod determination or proof that an alternate swept path is achievable in the event any such licence cannot be obtained. Without such prior

agreement, legal access using the route under the Mod if approved may not be achievable.

34.If Crown Lands determines to transfer any crown road reserve or crown track to Council, the roads / tracks must be upgraded to Council's satisfaction and any land dedication required is to be procured at no cost to Council. Details should be resolved prior to any Mod determination. The application should show the extents of known crown road reserves or tracks as part of the concept sketches / GIS plots request.

35.Similarly, where there are Travelling Stock Reserves TSRs prevalent along the routes of proposed road upgrades these are to be mapped. Where new public road works would encroach within TSRs, Local Land Services consent and requirements as land manager may need to be satisfied and with agreement from Council as roads authority.

Temporary traffic management

36.Where OSOM load widths will exceed the lane widths, it may be necessary to trigger two-way road closure during each load for nominally 1 hour at lower speeds. A brief (few-page) Construction Traffic Management Plan principles statement is requested to highlight high-level traffic management issues and proposed general strategy commitments and contingencies for use in the Council area.

37.The statement should quantify the average and maximum number of road closures per day, individual and cumulative durations of road closures per day, the expected duration and phases of the OSOM campaign, and whether flexibility for 24-hour haulage operations or night or twilight shift works is proposed under the consent.

Other road matters

38.The Mod-1 Report refers to a Preliminary Road Upgrade Investigation (PRUI) report by iCubed Consulting Pty Ltd but this report was not located among the Mod application documents. If this document is intended to be made public in support of the proposal, please provide a copy for review.

39.Note: Council will review public and government agency submissions when published on the Major Projects Planning Portal and may consider actions arising relevant to its statutory roles.

ATTACHMENT B: PLANNING AGREEMENT REVIEW TRIGGER

Clause 10. Review of this Agreement

(a) The Parties agree that this Agreement may be reviewed or modified and that any review or modification will be conducted in the circumstances and in the manner determined by the Parties.

(b) No modification or review of this Agreement, will be of any force or effect unless it is in writing and signed by all the Parties to this Agreement and publicly notified in accordance with the Act and Regulation.

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ATTACHMENT C: SOCIAL IMPACT CATEGORIES REQUIRING ASSESSMENT FOR WIND FARMS

Source: DPE Technical Supplement: Social Impact Assessment Guideline for State Significant Projects November 2021

Community

• Could the distribution of impacts and benefits affect community cohesion?

• Will the character of the area, including quiet enjoyment, or the sense of place, change?

• What are the benefits to the local community during construction and operations?

Accessibility

• What are the impacts on roads and how people use them (including pedestrians and public transport), especially during construction?

Culture

• Will the project affect people's values and beliefs associated with the locality, including how they value landforms and waterways?

Surroundings

• Will the project materially change how people experience the landscape and nature values through perceived industrialisation?

• Will there be cumulative impacts if the project is near an existing wind farm?

Livelihoods

• Will the project affect people's ability to sustain themselves through employment or business opportunities?

• Will the economic benefits and impacts be equally distributed, e.g. between local and regional communities?

• Will Aboriginal people have the ability to gain sustenance (spiritual or otherwise) from the land?

Decision-making systems

• Can affected people make informed decisions and feel they can influence project decisions, including elements of project design?

Surroundings

• Will the modification materially change how some people experience their surroundings, particularly in terms of noise, visual amenity, or aesthetic values?