

19 January 2023

Director – Energy Assessments, Development Assessment
Department of Planning & Environment
Locked Bag 5022
Parramatta NSW 2150

Dear Sir/Madam

Re: Comments – Winterbourne Wind Farm SSD – 10471

Thank you for providing Walcha Council (**Council**) with the opportunity to provide comment on the Environmental Impact Statement (**EIS**) dated 27 October 2022 (Version 1.0) submitted to the Department in respect of the Winterbourne Wind Farm Project, State Significant Development Application No.: SSD-10471 (the **Project**).

Council has reviewed the documents and appendices to the EIS and for reasons outlined in further detail below, considers that it is substantially devoid of critical information and data required to enable a thorough and informed assessment of the environment impacts associated with the Project.

In its current form, Council submits that the EIS is inadequate and, as such, an informed decision in respect of the merits of the Proposal cannot be made by the consent authority. As outlined further in this submission, Council submits that the Proponent should be required to undertake further and more comprehensive assessment of the impacts before the Project progresses through the assessment process.

Summary of Council's Submission

The information provided in the EIS in respect of the Project is inadequate, inaccurate and inconsistent.

Council is alarmed by multiple references throughout the EIS to terms and phrases that indicate the scope of the Project is not yet clearly defined and that the extent of its impacts are proposed to be determined at a later stage, including "**conceptual**", "**not yet been subject to detailed design**", "**will need to be assessed**" and "**post approval**". The EIS must be definitive in relation to the scope of the proposal it is assessing and supported by a comprehensive suite of detailed

documentation that enables an informed decision to be made by the consent authority. Delaying the provision of key information that relates to the full nature and extent of the proposal denies Council and the Walcha community an opportunity to understand the full extent of the proposal and its impacts and make meaningful submissions on the same.

Social Impact

Neighbour Benefit Fund

In the 'Summary' of the EIS under the heading 'Project Justification' (see Page Siv) there is reference to a 'Neighbour Benefit Fund'. The EIS states, "The Project will further provide a diversified income stream for rural landholders and neighbours through payments to host landholders and the Neighbour Benefit Fund." Whilst Section 6.12.6 of the EIS provides that management and mitigation measures referenced in the Social Impact Management Plan (Appendix R of the EIS) will include "Establishing and implementing the Neighbour Benefit Program and Public Benefit Fund", no information addressing how any such 'Neighbour Benefit Fund' is to be established and implemented and by whom it will be managed has been identified. Furthermore, in this same section (Summary, page Sv) the developer states that 'around 16 skilled and support staff will be permanently based in Walcha'. The validity of this statement is questioned, noting that based on Council's knowledge and experience it is quite difficult to attract permanent staff to Walcha due to there being no rental properties within Walcha and surrounding areas. If it is the Proponent's intention for staffed to be permanently based in Walcha, then the EIS requires further discussion about how this will actually be achieved in practice.

The EIS states that the Applicant will enter into a Voluntary Planning Agreement (**VPA**) with Council to "incorporate several road upgrades required to facilitate construction and operation of the Project." Whilst Council considers that a VPA may be the appropriate vehicle to facilitate the distribution of any Community Benefit Funds, Council requests as a condition of any approval that may be granted for the Project, any infrastructure works (e.g. road upgrades or intersections) that may be mandated by the consent authority are to be the subject of a separate Infrastructure Agreement that the Applicant is required to enter into with Council.

By way of background, Council has invested considerable time and money into a draft Infrastructure Agreement that it is seeking to have as a condition precedent to the granting of any approval for State Significant development within its local government area.

Community Benefit Fund

While Council appreciates that the proposed Community Benefit Fund that is proposed to be established (e.g. referenced at Pages 1, 21, 25, 26, 37 of the EIS) is not a legislated requirement for the Project, any such benefit fund that may be

implemented must recognise the significant disruption to the local community that will take place during the construction period of the Project. In the event that approval is granted for the Project, Council submits that a condition of consent should be imposed requiring the fund to be established prior to the issuing of any construction certificate in respect of the Project and prior to the commencement of works. Having regard to Council's constrained ability to maintain and fund its current levels of service for the community, it is critical that an Infrastructure Agreement is required as a condition of any consent granted for the Project as otherwise any perceived or real benefit arising from the proposed Community Benefit Fund will be totally undermined by the damage to Council's infrastructure caused by the Project.

Additionally, in relation to the proposed Community Benefit Fund, Council is of the view that separate VPA's with both Walcha and Uralla Shire Council will be required. Walcha Council already has a number of Advisory Committees that are successfully operating in the Walcha local government area (LGA). Walcha Council would seek to create an Advisory Committee to distribute the proposed Community Benefit Fund on the same lines as existing terms of reference for existing Advisory Committees.

Traffic

The EIS states (on Page Six) that:

"The Project will generate up to 288 heavy and 270 light vehicle movements per day during peak construction times. The TIA [Traffic Impact Assessment] found that the road network can accommodate Project traffic generated during construction and will continue to operate with a good level of service, including when considering the cumulative impact of surrounding major projects."

Whilst Table 12 of the TIA (Appendix J of the EIS) provides commentary on the potential vehicle conflict that may arise in relation to a number of different projects, it is noted that a number of the projects referenced (e.g. the Salisbury Solar Farm, Thunderbolts Wind Farm, Oxley Solar Farm, Middlebrook Solar Farm, Hills of Gold Wind Farm, Bowmans Creek Wind Farm and Rangoon Wind Farm projects) have not yet been assessed or determined. Accordingly, Council queries the accuracy of this statement given that the traffic arrangements of these other projects are not certain. It follows that the traffic impact of the Project on local roads remains unclear. Noting that the TIA suggests that the construction periods for a number of the aforementioned projects, if approved, may overlap, this also raises concerns for Council and the impact on its road network.

The traffic volumes anticipated in the TIA are nearly 5 times more than what is currently experienced on Council's network, with around half of this being heavy

traffic. The additional traffic volumes anticipated by the Project will cause significant damage to Council's local road network, noting that Council will not be able to carry out remediation works to the required standards with its current budget and resourcing limitations.

Council notes that the TIA provides photographic evidence of the condition of a number of Councils local roads. Having regard to the date of the TIA (being July 2022), Council submits that any such photographic evidence will be irrelevant given the timing of the proposed Project which, if approved, would commence years after the compilation of the TIA. Each and every local Council road affected by the Project will require a detailed dilapidation report (agreed to by both Council and the developer) to be prepared prior to the commencement of any development traffic. This information must be compiled into a master list of roads contained and reflected in Councils Infrastructure Agreement with the developer.

Council has recently obtained government funding to undertake urgent rehabilitation works in Derby Street Walcha. This is a key access road into Walcha that has deteriorated significantly and as such Council has planned rehabilitation work later this year. The current route identified by the developer through Jamieson Street Walcha will materially affect Councils ability to undertake this critical rehabilitation work should the Project receive approval and construction start in the next year.

Council refers to page 12 of the TIA which states:

"Within the Walcha township the roads have a sealed carriageway width of approximately 12m, accommodating two-way vehicle movement, and typically has a speed limit of 80km/hr which reduces to 50km/hr near the township. Further, northeast of the township the speed limit increases to 100km/hr."

This statement is both misleading and incorrect. A 50km/hr speed limit applies right throughout the Walcha township. There is not a speed limit of "typically 80km/hr" within Walcha township as is suggested in the TIA. Indeed, as one heads northeast along the proposed route the speed limit increases from 50km/hr to 80km/hr - not 100km/hr.

Another additional concern of Council is the potential negative impact on travel time for Councils staff, contractors and our community with respect the Bendemeer to Walcha route given the very limited pull over areas. The suggestion in the TIA that oversized vehicles will operate after morning peak hours does not account for critical medical services to Tamworth and access by Council's information technology contractors from Tamworth.

From an economic perspective, Walcha has several large well-established trucking companies who employ collectively hundreds of locals. Given agriculture is one of the Walcha LGA's main industries, any delays in transporting livestock will be a significant cost to those local businesses. Without the provision of dedicated pull over areas between Bendemeer and Walcha, the locality's economic position will be negatively impacted. Council therefore expects that the developer should be required (through conditions of consent) to undertake necessary road upgrades to facilitate the co-existence of the Project and the existing road users.

As an agricultural area, roughly half of Walcha's population live in a farming setting. This necessitates the children of our farmers to travel, in some cases, extensive distances by school bus to various schools. Council notes that on pages 194-195 of the EIS that it is proposed, in order to mitigate the risk to our children when travelling to and from school, that the drivers of the very large trucks servicing the Project will communicate via CB radios for the purpose of identifying the location of the buses and pulling over in a safe location before the school bus reaches and passes them. Council considers that is an unacceptable mitigation measure given the level of risk and would seek that no heavy vehicles travel on school bus routes during before and after school hours.

In relation to the Project's impact on sensitive land uses such as schools and vulnerable road users, Council also notes with reference to Table 6 seen on pages 26-27 of the TIA, under the heading "Walcha" that the Walcha Preschool has not been included. This is considered critical information that the TIA fails to identify and consider given that the Walcha Preschool is at the intersection of Thunderbolts Way and Jamieson Streets where on the proposed route for the Project, all traffic will travel directly past the preschool.

Council was unable to ascertain in reviewing the EIS where (should raw materials, including water for the construction of the Project be required to be sourced external to the Walcha LGA) such additional vehicle movements have been captured and acknowledged. Realistically, such additional heavy vehicle movements could increase the impact on local roads by as much as 50%.

Council notes in respect of Table 22 of the TIA, where the two hourly road capacities are set off against 0%, 5%, 10% and 15% of heavy vehicles usage, that heavy vehicles will realistically be well above 15% usage an hour on local roads. Such an increase over and above the stated 15% will undoubtedly alter the assumptions that have been made in the TIA in terms of maintaining service levels appropriately.

Council is also concerned by the following statement and the erroneous assumption that follows on page 192 of the EIS:

“To determine the traffic impact generated during the construction of the Project, an assessment of the operation of the intersection of Thunderbolts Way with Jamieson Street was undertaken for the peak hours of construction traffic, which is expected to occur between 6.00am - 7.00am and between 5.30pm – 6.30pm.”

The assumption Council makes is stated as follows: “Given the intersection accommodates the highest level of traffic of all the intersections used by construction vehicles within the vicinity of the Project, it is concluded that the intersections of the local roads northeast of Walcha are all expected to continue to operate with a good level of service.”

Council’s concern centres on how the developer can utilise such an intersection to determine that all other intersections, based on the Jamieson and Thunderbolts Way intersection, will suffer minimal impact (by reference to the amount and size of their traffic) when the intersection selected as their ‘model intersection’ is vastly different to most of the other local intersections. This is particularly concerning in circumstances where the chosen intersection (in contrast to other intersections) enjoys a clear line of sight, is in a 50km/h zone and is a paved 12m wide road. Many other intersections are in a 100km/h zone, have undulating and difficult line of sight for some and are gravel.

The proposed route also travels past the Summervale Indigenous Village where Council has just received state government funding to construct a footpath from the Walcha township to Summervale. Construction of the footpath is likely to commence in the next financial year. Council is concerned with the interaction of the developer’s construction traffic with local contractors and Council staff who will be constructing the adjacent footpath.

Water

The EIS provides no certainty and insufficient detail with respect the significant amount of water that the Project will require, predominantly during the construction period.

Section 2.2 of the Soils and Water Assessment (Appendix P of the EIS) states that there are four viable options for the developer to source water for the Project, one of which would involve taking water from Council’s water supply (or treated wastewater) in agreement with Council (see pages 13, 15, 17 and 52). Council has always maintained the position that water cannot be extracted from a Council water source. Council and indeed the entire Walcha community were severely affected by the recent drought and while this last season has provided an abundance of rain, Council’s water reserves are insufficient for any use by the developer. This includes Council’s current off creek storage project (320ML) where construction is due to be completed later this year.

The EIS further states that other 'viable' options include the trucking in of water external to the Walcha LGA, however the EIS does not appear to provide any consideration of the additional transport movements on local roads should this option be considered viable.

The Summary of the Soils and Water Assessment states, "Confirmation of the proposed water source will be determined following detailed design; however, it has been confirmed that adequate water supply is available for the development." Council is alarmed by the apparent proposal to provide such critical information, which is integral to the Project, post determination. Council also questions the validity of this statement and indeed the quantity of water stated as being required, when at least one of the 'four viable options' is not available. Consistent with the Secretary's Environmental Assessment Requirements, the EIS must address whether there is an adequate and 'secure' water supply available for the Project.

Whilst Council could consider the use of Council's effluent from its wastewater facility, the process train would require improvement in terms of additional treatment through the likes of UV at an estimated cost of \$150,000. The cost for an improved effluent quality for dust suppression would be required to be paid by the developer and the asset would remain the property of Council.

Waste

In relation to waste management, the EIS states (on Page Sxiii) that "A Waste Management Plan (**WMP**) will be prepared prior to construction." Council submits that a WMP needs to be provided for review and comment prior to the granting of any approval for the Project so that there is a sufficient level of certainty in relation to the nature and acceptability of the measures that are to be incorporated to ensure potential contamination of land and water does not occur. Council has repeatedly informed the developer that Council's waste facilities will not be made available to the developer in relation to the Project given the limited life of Council's existing facilities.

Should you have any further enquires in relation to this matter, please contact me personally on 0428 77504 or by email enoakes@walcha.nsw.gov.au

Yours sincerely



Clr Eric H Noakes
Mayor