

Neb Pty Ltd **objects to this Project.**

The Yarrabin Road cannot and should not be treated as a single entity for the EIS. As the proponent well knows, the Yarrabin Road consists of two, separate, portions:

- The unsealed, frequently unfenced, and narrow portion which runs north/south between the Twelve Mile Road and the Burrendong Dam Road. This portion of the road passes through what is predominantly farmland and agricultural enterprises. The Twelve Mile Road is the access route to Dubbo and Wellington. The EIS confirms that this unsealed portion of the Yarrabin Road will be the heavy vehicle route for the construction of the wind farm as well as for all vehicles that are essentially other than light vehicles. (The heavy vehicle route)
- The sealed, largely fenced, portion which runs east west from the Burrendong Dam Road to its intersection with the Hill Road. The Hill End Road is the access route to Mudgee. This portion of the road passes through predominantly small holdings whose occupants work in Mudgee. The sealed portion of the Yarrabin Road which will connect the Wind Farm traffic to Mudgee will carry light traffic and probably, the bulk of the worker traffic. (the Mudgee route)

This submission raises the following objections **in relation to the external transport route in so far as it relates to the Yarrabin Road heavy vehicle route** . The proponent should be required to answer and address **each** of the matters set out below in responding to submissions.

1. No proper assessment of **existing** traffic volume figures. These are over-estimated.

- The existing traffic volumes adopted for the EIS are **wrong**. They are **significantly and demonstrably erroneous**.
- The proponent has **knowingly** used an existing traffic volume figure provided by MWRC which relates to the Mudgee route and not to the heavy vehicle route. **The proponent has failed to obtain a separate and proper traffic volume figure for the heavy vehicle route.**
- The proponent's executives, contractors, drones and employees have driven and flown over the transport routes on multiple occasions over the last three or four years and cannot fail to have observed that the heavy vehicle route carries **virtually no traffic at all**. The existing traffic volume on the heavy vehicle route is unlikely to exceed, at a maximum, five vehicles on any day.
- As a result, **all of the assessment of impacts on the heavy vehicle route of the altered traffic volume are wrong and the transport and traffic assessment needs to be re-done**. The impacts to local landowners from the changes proposed cannot be assessed unless the base traffic level is accurate.

2. No proper assessment of the **projected** traffic volumes. These are under-estimated.

In many areas of the EIS, the proponent leaves the detail to be worked out in the future. As a result, the EIS fails to quantify accurately the increased traffic volumes which will impact the heavy vehicle route. It quantifies only the known increases and does not quantify the increases arising from ancillary works in the course of construction where numbers and traffic routes are presently unknown. These volumes just disappear without being accounted for. A primary example is that of **waste removal**. No definite plans are provided for waste removal. MWRC has elsewhere stated that its facilities are full. It follows that the transport of waste traffic is very likely to proceed to Wellington, Dubbo or Molong – along the heavy transport route. Similar considerations apply to sand, cement, water and aggregate going in to the Wind Farm.

The proponent should provide comprehensive projected (anticipated) traffic volumes. If the proponent is uncertain of the extent of increases, they must still be included.

3. Failure to disclose a critical issue in relation to the road upgrade, how this will impact land owners and how it will be dealt with.

The heavy vehicle route is a Council road. Most of the formed road is not however located on the “paper” crown road. In some cases, it is nowhere near it. As it is a requirement of the SEARS that the upgraded road be a legal road, effectively all landowners are apparently facing the relocation of roads within their properties. The manner in which this will occur is unknown. This is a vital issue for the community and the fact that it has not been spelled out in the EIS ensures that the Department remains unaware of it and the proponent’s behaviour in relation to it.

4. Failure to obtain the consents of the private landholders on the heavy vehicle route

- The proponent has **not obtained the consents of private landholders to access their private lands for the upgrades and alterations required on the heavy vehicle route.**
- **The proponent has not obtained the consents of private landholders likely to be required for acquisition or easements.**
- The EIS should **not have been filed without the consents** of private landholders whose lands will be accessed or required for upgrades and alterations.
- To the extent that the proponent has obtained from the Department of Planning an exemption from obtaining the consents of the Yarrabin Road landholders on the heavy duty route prior to the filing of the EIS, the proponent **has misled the Department** in relation to the limited number of consents of resident landowners which would have been required, the ease of contacting these landowners who reside in proximity to the windfarm and the significant impacts of the project's transport proposals.

5. The proponent has **failed to satisfy the requirements presently proposed by the Department of Planning in relation to Wind Farm developments.** The proposed Guidelines clearly require that private landowner consents should be obtained **prior to the filing of an EIS when private land is required for the project.**

This project should not be approved unless and until the consents of all private landholders whose private land will be accessed for roadworks have been obtained. If the project is conditionally approved, the local community impacted by the heavy vehicle transport route will remain in limbo with their lives for the foreseeable future.

6. Failure to engage in accordance with the Guidelines, the Best Practice Charter for Renewable Energy Projects and Ark Energy's goals.

- Despite its assertions to the contrary, the proponent has **not** engaged, or attempted to engage, with the residents and landowners on the heavy transport route in any general or comprehensive way. All residents and landowners along the route will be specifically impacted by the proposed changes but the proponent has not spoken to all of them **and is on record as having ignored requests and communications from a number who have sought meetings.**
- Those to whom the proponent has spoken have **not** been kept “**well informed**” or “**up to date**” on developments. To the contrary, the proponent has consistently operated by advising landowners and residents that it is **uncertain of the impacts which the upgrades will have and cannot clarify them until the final road design is established.** This point is never reached.

The External Route Study which is attached to the EIS is dated 1 December 2020. It is addressed to Epuron. The proponent has known **for over 3 years** that the Yarrabin Road Option 2 was inevitably going to be the heavy vehicle route for the construction of the wind farm as well as for all vehicles that were essentially other than light vehicles. The proponent has known for nearly the same period that MWRC requires the road to be sealed. **There is nothing in the EIS or its attached reports in relation to the road which has not been known to the proponent for a long time.** Notwithstanding sending drones over private property without permission from or notice to landowners, and despite being in receipt of detailed engineering reports in relation to the proposed upgrades, the proponent **consistently refuses** to tell residents and landowners what the likely scenario is for their property, what the implications are of that scenario, and what the time frame is for its development.

As long as the road issue remains unfinalized, landowners are left in limbo, not knowing how their business plans or their homes will be impacted and unable to move forward with either.

- **The proponent has not been transparent.** The proponent has consistently **minimized** obvious significant impacts suggesting to road residents and landowners that these proposed works are minimal, and little more than a minor road upgrade. There are a number of residences very close to the proposed “minor road upgrade” and to the hundreds of vehicle movements which will occur when the road upgrade is completed.

Not only are none of these impacts considered in the EIS (see below), none have been admitted or discussed in dealings with landowners.

Nor has the proponent at any stage entered into meaningful or honest discussions with relevant landowners about the compensation to which they might be entitled for private land acquisition. A number of residents whose houses are right next to the road have been told "We're not in the business of buying property."

Notwithstanding that the proponent has been unable to inform landowners of what it seeks from them, sufficient information has apparently been given to EcoLogical Australia to enable the inclusion of the destruction of 74 ha of the road upgrades to be included in biodiversity impacts.

- * **The proponent has failed to engage with the site holders at the Cudgegong River Holiday Park.** The Wind Farm abuts this popular and much loved recreational area on the Burrendong Dam waters. It has existed, in one form or another, for many decades. It is a regular holiday area for many in the local community enabling access to a "beach," swimming, fishing, boating and enjoyment of outdoor activities.

The proponent has publicly stated that it has engaged with the Park in relation to potential accommodation for workers.

Site holders at the Park however, have no knowledge of the project. Most have had their sites for many years. There are more than 240 unpowered sites for caravans or campers. No steps have been taken by the proponent to ensure that these impacted members of the public are aware of the project.

- **The proponent has not been honest and ethical in its dealings.** The proponent has made **false statements** to impacted residents about the development of the road and the processes relating to it.

There are a number of examples which could be provided but the major complaint is that Andrew Wilson has deliberately misused the crown road issues to raise an innuendo that MWRC will resume private land against the will of landowners and by compulsory acquisition if no arrangement is reached between the landowner and the proponent. MWRC has in fact repeatedly stated that this is **not** the case.

Mr Wilson's comments in relation to the **potential compulsory acquisition of the road by MWRC are at best duplicitous**. They have been made to private landowners but also publicly. Mr Wilson told a public meeting that the "*position was complicated*" and that there were *discussions* with Council about "*compulsory acquisition*." The innuendo was intentional and straightforward – **if residents didn't agree to the access sought by the proponent, their land would be compulsorily acquired**.

When the heavy vehicle transport route was raised at a CCC meeting, Mr Wilson **repeated the lie** on public record saying that there had been *discussions* with MWRC about compulsory acquisition. When this led to the General Manager of MWRC protesting to the CCC, **the Minutes of the relevant meeting were altered**.

Mr Wilson's conduct is such that **he has failed to meet any reasonable standard of honesty, transparency and ethical conduct required by the Department, by the Clean Energy Council and by Ark Energy itself.**

7. No Assessment of relevant impacts arising from the external transport route.

- It is not apparent that there has been any adequate assessment of **the biodiversity impact** of the "*extensive clearing*" which will in fact be necessitated by the road upgrade.
- There is no assessment of the impacts on **European heritage** of the road upgrade. There are a number of woolsheds and sheds on the road which constitute an important part of the pastoral history of the Central West. There are also important ruins associated with the gold mining history at Yarrabin including the remains of an old stamper.
- There is no assessment of the impacts on the **agricultural enterprises** through which the route runs including sheep breeding, goat breeding, sheep and cattle grazing, hay making, olive growing and olive oil production and garlic production.
- There is no assessment of the impacts on **animal husbandry and business practices** generally.
- There is no assessment on the impacts on residents and **residences**.
- The **road community has not been considered in the social impact assessment** in the EIS. Apparently the upgrading of the road from 5 or 6 vehicles a day to 400, is not sufficient to make the road community part of the "*local context*" for consideration of social impacts.

8. No proper assessment of the cumulative impacts for landowners on the external transport route.

By disregarding the landowners who are not in immediate proximity to the windfarm, the proponent escapes considering the cumulative impacts that this Project will have. **Many, if not most, of the landowners will not only have the impact of some views of the Burrendong Wind Farm and all of the impacts of its construction, they will be towered over by the Piambong Wind Farm to the East (estimates of dozens of visible turbines) and be able to view the Uungula Wind Farm to the West. So, wind farms to the south, east and west, wind farm traffic through the middle of their properties and then, ongoing traffic from the Phoenix Pumped Hydro Project which Andrew Wilson has stated will be using the Yarrabin Road for its construction also.**

9. The EIS fails to list all relevant dwelling entitlements which are impacted by the heavy vehicle transport route.

There are **seven existing dwelling entitlements on the property Glencoe alone in addition to the existing home**. The amenity and value of each of these is significantly negatively impacted by the transport route. The proponent has been advised of these entitlements on a number of occasions but continues to fail to address them.

This project should not be approved. I reserve the right to add further material to this submission.

NEB Pty Limited
By its directors.