

11 May 2021

Anthony Ko
Department of Planning, Industry & Environment

E: Anthony.Ko@planning.nsw.gov.au

Dear Mr Ko,

Bowmans Creek Wind Farm – SSD 10315– Muswellbrook Shire Council Comment

I refer to the Environmental Impact Statement, prepared by Hansen Bailey for Epuron Projects Pty Ltd (Proponent), for the Bowmans Creek Wind Farm – SSD 10315. Council appreciates the opportunity for comment.

The Project generally involves the construction, operation, maintenance, and decommissioning of a Wind Farm and includes:

- A. Up to 60 wind turbine generators consisting of:
 - A three-blade rotor and nacelle mounted onto a tubular tower;
 - Crane hardstand area; and
 - Laydown area;
- B. Electrical infrastructure:
 - Up to two collector substations and associated transmission line to transmit the generated electricity into the existing high voltage network; and
 - Connections between the wind turbine generators and the collector substation/s, which will include a combination of underground cables and overhead powerlines;
- C. Ancillary infrastructure;
 - Operations and Maintenance Facility;
 - Storage facilities and laydown areas;
 - Unsealed access tracks;
 - Ongoing use of two temporary wind monitoring masts and the installation of up to four permanent monitoring masts; and
 - Temporary construction facilities (including concrete batching plant and rock crushing facilities);
- D. Minor upgrades to the road network to facilitate delivery of oversize or overmass loads (such as wind turbine generator components) to the site and to facilitate the construction of the transmission line; and
- E. Administrative activities (including boundary adjustments and land subdivisions).

Council's submission is as follows:

1.0 General

Muswellbrook Shire Council is generally supportive of renewable energy initiatives. This Project aligns with Council's Community Strategic Plan goals and Local Strategic Planning Statement principles.

2.0 Traffic Impact

2.1 The road alignment and construction standard for sections of Scrumlo Road, Albano Road and Bowmans Creek Road is generally a country road standard with narrow lane widths, unformed shoulders, aged sealed surfaces or gravel surfaces, steep gradients and poor drainage structures that may not be suited to OSOM.

2.2 The assessment in the EIS provides a base-line catalogue of modifications that would need to be made at various intersections, bends, bridges, crests and the like in order to facilitate the passage of the larger elements – especially the blades. The assessment appears to be based on *plan-view* geometry and therefore understates the extent of impacted areas where there are, say, cuttings and batters. The assessment is also confined to identifying the geometric extent of the impact – but does not explore the mechanisms for achieving the extra clearing, infrastructure relocations, passing bays, land acquisitions and the like.

2.3 The Environmental Impact Assessment for the project should comprehensively consider the impacts of significant works required including earthworks and clearing to improve roads to an agreed Austroads standard.

2.4 Council does not support the use of Albano Road or Bowman's Creek Road for increases in traffic loading without the Proponent satisfactorily assessing the traffic and transport impact through the construction, operational and decommissioning phases. This assessment should be guided by the NSW Wind Farm Guidelines. Matters that need to be addressed include:

- Details of traffic volumes (both light and heavy vehicles) and proposed transport routes, including nominating all points of access from public roads during the construction, operation and decommissioning phase of the development;
- An assessment of the potential traffic impacts on the road network function and safety (road safety audit preferred). Any road assessment should include a Road Safety Audit compliant with Austroads Guidelines which identifies hazards and recommends a prioritized list of mitigations on the road consistent with the proposed use of the road;
- An assessment of the capacity of the existing road network to accommodate the type and volume of traffic generated by the project including OSOM traffic during construction, operation and decommissioning, including full details of any required upgrades to roads, bridges and site access provisions;
- Details of measures to mitigate and or manage potential impacts, including construction traffic control, road dilapidation surveys both before and after construction and dust generation and road maintenance due to increased traffic movements;

- Details of private access roads within the site including how these would connect to the existing road network and maintenance needed during the operation of the development.
- Upgrades needed to ensure that signage, sight distances, super elevation, transitions and gradients, safety barriers, regrading, sealing of roadway, drainage improvements including erosion controls and creek crossing are in accordance with Austroad standards

2.5 A detailed Traffic and Construction Management Plan should be required as a condition of consent. This plan is to:

- Include details of the number and size of vehicles during all phases of the development;
- Timing of traffic movements, particularly OSOM movements;
- Be prepared in consultation with all stakeholders who use Hebden Road, Scrumlo Road, Albano Road and Bowmans Creek Road;
- Avoid OSOM loads and other heavy vehicle traffic on Scrumlo Road and Hebden Road during school bus hours;
- Ensure road upgrades will be undertaken in accordance with Austroad standards using a risk management approach outlined in the Guide for Freight Route Investigation levels or similar;
- Ensure the road condition is suitable for all phases of the development including construction, installation maintenance and decommissioning;
- Make provision for passing/slow vehicle bays at regular intervals along Albano Road and Bowmans Creek Road for the construction phase to assist local traffic movements; and
- Ensure roadside tree maintenance and removal occurs safely and in accordance with arborist report and updates to environmental impact assessments.

2.6 Cattle grids and Public Gates on Albano Road and Bowmans Creek Road are (usually) the property of the adjoining landowners. Any changes to these grids and gates will require approval from the property owners and Council. Council prefers removal of grids and the fencing of property boundaries to minimise road hazards presented by stock.

2.7 Council will require the Proponent to enter into a Deed of Agreement to address the following matters:

1. Section 138 approval under the NSW Roads Act 1993;
2. Improvements to road, causeway and pavement designs during and after construction. Required changes/upgrades as a result of construction-related activity will be at the Proponent's expense;
3. A geotechnical assessment report for Scrumlo Road for load and condition, including any proposal for pavement reconstruction to suit proposed traffic from the development;
4. A dilapidation report on the road assets being prepared prior to commencement of construction and again post construction. This is to include a load and risk assessment for bridge, culvert and causeway crossings;

5. Maintenance of roads during the construction phase as construction will impact the road condition/life due to increased and unusual vehicle movements including heavy vehicles; and
6. Contribution to or undertaking the maintenance of local roads under the control of Muswellbrook Shire Council over the operational life and decommissioning of the Wind Farm.

2.8 The main access to the development off Scrumlo Road is via an existing access that has poor sight distance and is not constructed to support safe access. This access would require reconstruction to Muswellbrook Shire Council standards for Access Gates to facilitate safe access to and from the site. The private access is to be upgraded and sealed to Austroad standards, including drainage and associated erosion control measures.

2.9 The Proponent is still consulting with Council regard to the electricity transmission infrastructure within the Hebden Road reserve. Council will require the Proponent to enter into a Deed of Agreement to address the following matters:

1. Preparation of a risk management plan;
2. Ensuring that trenching details (e.g. width and depth) conform to adopted electricity network standards;
3. Any changes/upgrades required to the Hebden Road to permit the installation of electrical conduits within the pavement of the road will be at the Proponent's expense;
4. Contribution to or maintenance of Hebden Road over the operational life of the infrastructure.
5. An annual fee will be payable to Council for use of Hebden Rd for transmission purposes;
6. Removal of the transmission infrastructure as part of the decommissioning process. The road pavement is to be restored to the satisfaction of Council; and
7. Provision of a Bond for the decommissioning and rehab costs of removing electricity transmission infrastructure from within the road reserve.

3.0 Water Supply

3.1 The proponent estimates 490ML of water will be required for construction phase and 1 ML pa during the operational phase. Water will be sourced from either:

- Council water supply, with agreement with the relevant Council(s)
- Extraction from an existing nearby landowner farm dam
- Extraction from surface water source (Lake St Claire/Glennies Creek Dam)

3.2 As Muswellbrook is the closest supply point for potable water it is most likely the source. Council does not object to the Proponent having access to 515ML of water (over a 25-year period) provided the water is collected from a metered standpipe and appropriate fees are paid.

4.0 Ground disturbance

4.1 Substantial earthworks will be necessary to provide site access, construction pads, crane pads and laydown areas at each turbine site, as well as turbine generator bases,

sub-stations and transmission lines. The topography in locations is difficult with steep longitudinal grades and cross falls.

4.2 Management of erosion will be a critical element of the development. The development needs to satisfy the following:

- Limiting disturbance to areas that can be reasonably managed in terms of batter slopes and extents;
- Avoiding large cut and fill on steep areas of the site;
- Avoiding clearing anywhere near established creek lines, and where existing vegetation is essential to maintaining slope stability;
- Capturing and appropriately detaining runoff from disturbed areas to capture sediments prior to discharge;
- Capturing and appropriately detaining runoff from roofed structures, and storing for re-use or managing discharge;
- Adequately designing and managing crossings of lower order water courses, and avoiding crossing higher order water courses wherever possible;
- Managing the interfaces between internal access tracks and public roadways; and
- Stabilising and re-establishing disturbed areas and management in accordance with the Blue Book guidelines in a timely manner.

5.0 Biodiversity

BDAR

5.1 The following specific issues are raised regarding the BDAR:

- The BAM Credit Summary Report indicates that the calculator has yet to be finalised. An accredited assessor must ensure the calculator has been finalised before submitting a BDAR otherwise it is considered incomplete.
- The BDAR has not adequately addressed the most relevant section of the BAM to the Project, that being section 9.2 *Assessing prescribed biodiversity impacts*, and in particular, section 9.2.1.8 *The assessment of the impacts of wind turbine strikes on protected animals*. Section 9.2.1.8 identifies a number of points that must be addressed within the BDAR. Points 9.2.1.8 (b, c, and f) have not been addressed.

Habitat Connectivity

5.2 Habitat connectivity will be disrupted to a degree with the loss of 133 ha of woody vegetation. Due to past farming practices substantial clearing has occurred in this area in the past, so the loss of 133 ha of additional vegetation is significant.

5.3 The following mitigation measures are proposed to limit any impacts on habitat connectivity:

- Delineation of clearing limits;
- Pre-clearance survey;
- Staging of clearing;
- Habitat feature salvage; and
- Offering felled logs / other features from cleared areas to the landholder for their habitat enhancement works, if requested.

5.4 This approach is not sufficient. A more pro-active approach of actually nominating 133 ha of land for replanting/revegetation on other parts of the affected farms/properties is requested, with replanting/revegetation works to commence at the beginning of construction of the first turbine and to be completed prior to commissioning of the last turbine.

Migratory Water Birds

5.5 Lake Glenbawn is approx. 8km north-west of the site and Lake Liddell is approximately 18km south-east. There is potential for waterbirds to fly between these waterbodies. Council has concerns about the adequacy of consideration in the EIS to the flights path and impacts on water birds.

BBAMP

5.6 Council supports a condition requiring the Proponent to prepare a Biodiversity Management Plan and a Bird and Bat Adaptive Management Plan (BBAMP).

6.0 Radio Interference

6.1 Assessment of potential electromagnetic interference on radio transmissions focusses on commercial transmissions and does not consider any impacts on Council and emergency services VHF radio communications in the area. While the potential might be slight, this needs to be assessed. Conditions of consent should provide for the proponent to rectify any issues should they arise.

7.0 Aviation Safety

7.1 The EIS primarily considers the impacts on flights to and from registered airports. Helicopter movements are common in the Muswellbrook Shire for:

- Medical emergencies (there is a helicopter landing pad adjoining Muswellbrook Hospital);
- Electricity Transmission line inspections; and
- Seeding steep slopes as part of mine rehabilitation.

7.2 A mechanism to ensure pilots can be made aware of the location of the turbines in relation to their flight plans will be required.

8.0 VPA - Community Enhancement Fund

8.1 Council has undertaken a review of wind farm planning agreements across NSW. This review has identified that there are three ways in which agreements have been made.

1. A fixed price per turbine, paid annually and indexed with CPI.
2. Fixed amount (up to \$200,000) per annum, indexed with CPI.
3. Fixed price multiplied by MW capacity multiplied by the number of turbines, paid annually and indexed with CPI.

8.2 The Proponent has made an initial offer of \$3,000 per turbine, paid annually. This is equivalent to option 1 above. This equates to (without CPI adjustment) 0.17% of the capital expenditure for the Project.

8.3 Further negotiations are required before a VPA can be finalised; however, the following should be noted:

- Council's preference is for separate VPAs to be prepared with each affected Council;
- Council would prefer the amount to be calculated as a flat fee of \$xxxx.xx/turbine/MW/annum indexed with CPI. This allows flexibility for changes to turbine capacity over the life of the project.
- Contributions would be allocated to projects through a Committee under s355 of the LG Act with membership involving councillors, council staff, the Proponent and community members.

8.4 Council is continuing to work with Upper Hunter Shire Council and Singleton Shire Council, as well as the Proponent, on a planning agreement outcome. To date, no agreement has been reached on a VPA quantum, as such Council asks that the Project not be determined until such time as an agreement is reached and endorsed by Council.

9.0 Subdivision

9.1 Subdivisions are proposed to create several small parcels to accommodate sub-stations. These will have areas below the 80ha minimum lot size that applies in the RU1 zone and as a result will not have a dwelling entitlement. Council requests that 88B be registered at the time of subdivision making it known that the lots do not have a dwelling entitlement. This will ensure any purchasers of the land post-decommissioning are aware of this restriction.

10.0 Decommissioning

10.1 The current decommissioning commitment in the EIS states *below ground infrastructure, including the wind turbines foundations and hardstands, will be left insitu*. All infrastructure to a depth less than 500mm on arable land, including improved pasture lands, should be removed during decommissioning. This is required to not impede possible future agricultural practices post decommissioning.

10.2 All below ground infrastructure within the road reserves, including the conduits for electricity, shall be removed and the road pavement restored to the satisfaction of Council.

10.3 Bonds payable to cover the decommissioning and rehabilitation phase should include the cost of removing overhead electricity transmission infrastructure and substations.

Thank you for the opportunity to comment on the SSD for the Bowmans Creek Wind Farm.

Regards



Sharon Pope
Executive Manager Environmental and Planning Services