

11 May 2021

Mr Anthony Ko
Environmental Assessment Team Leader
Resource Assessments - Planning Services
GPO Box 39
Sydney NSW 2001

Dear Anthony

DPIE request for Advice – Bowmans Creek Wind Farm - SSD 10315

I refer to your request via the NSW Major Projects Planning Portal for advice from Singleton Council on the Environmental Impact Statement for the Bowmans Creek Wind Farm (**SSD10315**),

Council notes that the due date for submissions is 11th May 2021. The timing of exhibition coincided with the April school holiday period, and the Easter long weekend. Additionally, council has two other State Significant Development projects with Environmental Impact Statements on exhibition at the same time and a third requiring a response to submissions. Council has limited resources and a very tight timeframe to review the documents, develop a submission, hear from the proponent, review the submission prepared by Council staff and form a view on the proposal. This timeframe for considered review of the proposed Project is considered too short.

Council's approach to submissions for State Significant Development is to seek endorsement from Council on submissions prepared by staff. The timeframe provided does not enable Council to seek this endorsement prior to submissions closing. The first available council meeting to seek such endorsement is June 2021. Council reserves its right to defer the submission to the meeting in July 2021, if required, to provide Councillors with adequate time for review of the proposal and the staff submission. It should be noted that amendments to Council's submission, or a subsequent submission, may occur as a result of this process.

Councillors were briefed on the Project on 3rd May 2021.

The submission focusses on those issues, concerns and questions that are, on first review, considered by Council to be of concern to the future of our community. The extent of our submission is directly impacted by the time available to complete a fulsome assessment.

On that basis, the following advice is provided for consideration.

The Proposed Bowmans Creek Wind Farm (the Project)

The Project involved the construction, operation, maintenance and decommissioning of the Bowmans Creek Wind Farm and includes:

1. Up to 60 wind turbine generators consisting of a three blade rotor mounted on a tubular tower, crane hardstand area and laydown area for each turbine location;
2. Electrical infrastructure with up to two (2) collector substations and associated transmission line into the high voltage network and connections between the turbine towers and the collector substations, with a combination of underground and overhead powerlines;
3. Ancillary infrastructure consisting of an Operations and Maintenance Facility, storage facilities, laydown areas, unsealed access tracks;
4. Ongoing use of two temporary wind monitoring masts and the installation of an additional four (4) permanent monitoring masts;
5. Temporary construction facilities (including a concrete batching plant and rock crushing facilities);
6. Upgrades to the road network to facilitate delivery of oversize or overmass loads to the site; and
7. Administration activities including land subdivisions.

Council notes that the current configuration of turbines allows for 12 turbines, an existing temporary meteorological mast and two proposed helicopter landing pads within the Singleton LGA. Additionally, the proposal seeks to utilise the local road network, including Hebden Road, Scrumlo Road, Bowmans Creek Road and the Hebden Rail Bridge.

The impacts of the Project will include a reduction in biodiversity, increased heavy vehicle traffic on a local road network already impacted by industrial users (mining and quarrying), visual impacts, significant upgrades to local roads that are currently not designed for heavy vehicle access, noise impacts, biodiversity impacts and impacts associated with maintenance in a remote environment (such as roads, erosion and biosecurity).

Council considers the impacts of the Project on the local community to be significant. To assist the three councils in better understanding the number and location of proposed infrastructure, the EIS would benefit from adding the LGA boundaries to Figure 3 in the EIS Main Text.

1. Impacts to the local road network

The Project is proposing to utilise the local road networks of Singleton and Muswellbrook Council's to access the site for both construction and long-term maintenance. This includes:

- Hebden Road between the New England Highway and the intersection with Pictons Lane;

- Hebden Road and Scrumlo Road from the intersection with Pictons Lane to the site access location;
- Bowmans Creek Road/Albano Road connecting the north-western to the south-eastern areas of the Project.

It is noted that the Project does not intend to use Goorangoola Road for access.

Notwithstanding specific road related impacts, an additional 67 kilometres of local access tracks will be constructed as part of the Project. These tracks are largely proposed on private property. Whilst the location of these access tracks has been described in the EIS, the long term security and maintenance requirements have not. It is not clear whether these tracks will be secured through a restrictive covenant on title, or right of carriageway. Either way, clarity regarding the tenure and maintenance of this private road network is required, particularly to ensure impacts regarding erosion, dust, noise and biosecurity are appropriately managed for the life of the Project.

Council notes that Muswellbrook Council, in its submission, will require the Applicant to enter into a Deed of Agreement to ensure the following matters regarding roads are considered and managed appropriately:

- Obtain a section 138 approval under the NSW Roads Act 1993 from all relevant Council's impacted by the development;
- Upgrade roads to Council's agreed standards;
- Undertake dilapidation reports at nominated times throughout the Project life, with maintenance works during this time at the Applicant's cost; and
- Decommissioning works are carried out to an agreed standard.

Singleton Council supports this approach, with details on the rationale for this discussed below.

Road decommissioning

The decommissioning phase of the Project will require consideration of impacts of infrastructure removal on the local road network. The current proposal is that road upgrades will only occur for the construction needs of the Project. Longer term maintenance of these upgraded works is not clear.

The road upgrades required to allow for the OSOM transportation of turbine components are significant, as detailed below. Council currently maintains these roads to a rural road standard, with narrow widths, often not capable of supporting two lane traffic, unformed shoulders, gravel surfaces, steep grades and rudimentary drainage structures. To upgrade the local road network to allow for OSOM transportation requires significant work. These upgrades, once completed, will place downward pressure on Council to maintain the standard, not just for the life of the Project, but in perpetuity. The consequences of this on Council's resources has not been considered within the EIS for both operational and decommissioning phases of the Project.

Hebden Road

Hebden Road is a local road for which Singleton Council is the road authority. Council currently monitors and maintains Hebden Road as a rural road with minimal bends. The road is divided into pavement and road assets (for example, culverts, bridges etc). Each section of road is assessed for its condition and useful life, based on its existing or improved condition. Broadly speaking, the condition of Hebden Road is fair, with the following asset life:

- Road surface asset life of 15 years;
- Pavement asset life of 60 years;
- Culverts/headwalls/bridges asset life of 100 years; and
- Subbase asset life of 120 years.

The earthworks are considered to have an infinite life. A preliminary assessment indicates that the current road assets are likely to be at half-life, noting the variability above. Maintenance costs for the existing Hebden Road over the last three years (to 2020) were \$3.5M. Hebden Road is therefore a high value asset in fair condition.

The Applicant is committing, post approval, to complete a dilapidation report on the road prior to the commencement of construction. During the early stages of consultation, Council staff requested that this work be undertaken as part of the EIS process, to enable staff to make an informed submission on the traffic impact assessment. As this work has not been completed, it is difficult for Council to provide advice on the consequences of the proposed traffic movements on Hebden Road.

It is also important to note that the existing users of Hebden Road include industrial users at both local mining operations and the Hebden Quarry. Approvals and agreements with these operations include provisions for maintenance of the road network. It is not clear in the EIS how the heavy vehicle interactions will be managed with the existing road users, nor how the long-term maintenance provisions for the road will be undertaken by this Project.

Concurrently with this Project, the Glendell Continued Operations Project is under assessment with the Department. The Glendell Project is proposing to realign five (5) kilometres of Hebden Road that will result in an increase in road pavement and travel distance of 1.2 kilometres. Realignment of the road is scheduled for Year 2 of the Glendell Project, which, if approved, would be 2024.

The Hebden Bridge is a significant piece of infrastructure constructed over the ARTC controlled rail corridor. The swept path analysis shows the vehicles transporting blades utilising this bridge to access Hebden Road. It is not clear in the EIS or the TTIA whether the longitudinal profile of the bridge has been considered. It is also unclear whether consultation with ARTC has been undertaken as part of the Project.

Scrumlo Road

Scrumlo Road is a minor local road. This road is around 7.5m wide from the intersection with Hebden Road to the entrance of Wild Quarry. Past this point the road

narrows for the next 1.9 kilometres to the Site Access Point. Road width here varies between 3.5m and 5m wide, with no shoulders. Road widening to meet Council's specifications is required to provide adequate safe passage for two-way traffic flow.

Bowmans Creek Road

In a similar manner to Scrumlo Road, Bowmans Creek Road is a minor local road. The road width varies between 3.5m and 6m with no shoulders. Road widening to meet Council's specifications is required to provide adequate safe passage for two-way traffic flow.

Other road issues

Whilst the New England Highway is a State road with Transport for NSW as the road authority, there are significant road works proposed for the stretch of highway between Belford and Whittingham. These works are scheduled to commence at the end of 2021, for a period of three (3) years. Whilst the expected commencement of this Project is unclear, the interaction issues with known roadworks should be considered and assessed as part of the EIS.

Summary – local road network impacts

Council seeks further clarification from the Applicant on:

1. How the Applicant intends to secure the private access road network, consisting of some 67 kilometres of road, including maintenance requirements to ensure impacts regarding erosion, dust, biosecurity are managed appropriately;
2. How the Applicant intends to manage the decommissioning impacts associated with the local road network, particularly when road upgrades have occurred which are likely to raise expectations regarding in perpetuity road conditions to a standard currently not experienced;
3. How the Applicant intends to provision for the long-term maintenance of the local road network;
4. How the Applicant intends to 'make good' the impacts to the local road network of over 141 heavy vehicle traffic movements per day for a five-month period between 7am and 6pm Monday to Saturday;
5. The consultation undertaken with ARTC and Transport for NSW in relation to access over the rail network; and
6. Whether the Applicant has considered the heavy vehicle and peak traffic interactions with other road users.

2. Voluntary Planning Agreement

Council and the Applicant began discussions on a proposed Voluntary Planning Agreement (VPA) for the Project in 2019. To date, no agreement has been reached between the Council and the Applicant on a Planning Agreement for the Project.

The capital expenditure of the Project as reported in the Economic Impact Assessment is \$569M. Council and the Applicant commenced negotiations on the Planning

Agreement in 2020 where the number of proposed turbines for the Project was 71, with 19 proposed for the Singleton LGA. This number has now reduced to a total of 60, with 13 proposed for the Singleton LGA. The impact of this, based on the Applicant's offer, is a reduction of potential funding in the order of \$18,000 per year, or \$450,000 over the life of the Project.

Council has spent significant time reviewing the contributions made to the Singleton community by the mining industry and in November 2017, Council resolved to apply a 1% levy on capital investment value to all future mining voluntary planning agreements. In response to an increase in the number of planning agreements within the LGA, Council has prepared a draft Planning Agreement Policy which is being considered at the May Council Meeting. Should Council resolve to exhibit this Policy, once adopted, the Policy will set the framework for negotiation of Planning Agreements with Singleton Council. Should council apply a similar rationale to this Project, the Planning Agreement quantum over the life of the Project would be approximately \$5.8M.

Further, Council, at its meeting of December 2019 resolved to create the Singleton Community and Economic Development Fund using VPA monies from mining and other major Projects. The intent of this Fund is to preserve the capital and use investment returns to fund programs that will facilitate the future security, prosperity and wellbeing of our community. These programs would include undertaking investigations to understand the impact of mining on our community, research and development in Projects that build resilience and improve liveability of Singleton during and post mining. Council believes this approach allows the provision of a longer term view on the use of VPA funds.

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.

The Applicant 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.

Singleton Council has reviewed the Applicant's proposal and would prefer to apply a fixed price per megawatt capacity (option 3), to enable flexibility and encourage innovation in improving turbine effectiveness and efficiency in the future.

Council's preferred approach to the finalisation of the Planning Agreement, given the policy environment within council, is to negotiate a stand alone agreement, with funds directed towards the Community and Economic Development Fund, consistent with our approach to other agreements in the LGA.

Council is continuing to work with Upper Hunter Council and Muswellbrook Council as well as the Applicant on a planning agreement outcome. To date, no agreement has

been reached on a VPA quantum, as such council would ask that the Project not be determined until such time as an agreement is reached and endorsed by Council.

3. Transmission Lines

In March 2021, the Applicant wrote to Council with a proposal to install approximately 2.6 kilometres of high voltage powerlines underground within the existing road reserve of Hebden Road, within the Singleton and Muswellbrook local government areas. The voltage of this underground transmission line will be up to 330kV.

The proposal is to install the powerline within a trench to a depth of 1.2 metres, within the road pavement. The Applicant acknowledges that a section 138 from the relevant road authority (council) is required prior to commencement of these works and is likely to seek an easement to enable the works to take place. Council would like to undertake further consultation with both Muswellbrook Council and the Applicant regarding the nature of works, the easement requirements and the long term road maintenance implications for council, when road maintenance works are required.

To date, these discussions have not taken place, and the application should not be determined until council is fully aware of the potential legal and safety consequences for such a proposal, and the interrelationships between the two councils in relation to any required Deed of Agreement. Council notes that Muswellbrook Council, in its submission, is seeking a Deed of Agreement that includes:

- 1. Any changes/upgrades required to the Hebden Road pavements as a result of construction-allied activity will need to be at the Proponent's expense;*
- 2. An annual fee will be payable to Council for use of Hebden Rd for transmission purposes;*
- 3. The transmission infrastructure is to be removed as part of the decommissioning process so that Council is not exposed to future expenses; and*
- 4. Provision of a Bond for the decommissioning and rehab costs of removing electricity transmission infrastructure from within the road reserve.*

Singleton Council supports this approach and would seek additional requirements in the event that Council is required to undertake road maintenance works within the easement.

4. Other Matters

Water Supply

The EIS states that approximate 70,000 tonnes of potable water will be required to service the Project. It is not clear where this water will be sourced from, and whether any discussion with the relevant water authority has taken place. Regardless, appropriate approval for the taking of potable water is required, including fees and charges as per the relevant Council's fees and charges schedule.

Subdivision

The Project proposes to subdivide land for the location of substations to support the Project. Subdivision 1 is proposed within two locations within the Muswellbrook LGA and subdivision 2 is proposed within the Singleton LGA.

Singleton Council has raised concerns with the DPIE regarding the possible reduction of rural residential land, through the loss of dwelling entitlement. The retention of dwelling entitlement and rural residential property is a key advocacy agenda item for council.

Dwelling entitlement is an important consideration for rural lands and is regulated through clause 4.2A of the Singleton Local Environmental Plan 2013. Any proposal to subdivide land must ensure the retention of dwelling entitlement on the remaining lot.

Biodiversity

Council has reviewed the Biodiversity Assessment for the Project, and raises the following specific issues 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.

It is also noted that the Project will result in the loss of 133 hectares of woody vegetation, a large proportion of which is native, with overall losses of up to 515 hectares. The Singleton Local Strategic Planning Statement 2041 has identified a number of conceptual biodiversity corridors, which traverse the Project area. The EIS acknowledges that there will be a loss of habitat connectivity as a result of the Project, however does not contemplate mechanisms for minimising or mitigating this loss, particularly in relation to the identified corridors.

In addition, the EIS proposes to revise the offset calculations post approval, an approach that is not supported by council. The Applicant should provide clarity in relation to:

1. The preferred option(s) for securing the offsets required for the Project;
2. Where the land-based offsets would or could be, including its current and future tenure; and
3. Whether the required credits are available for purchase.

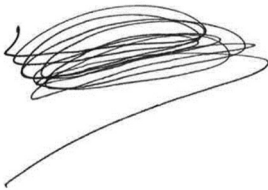
Concluding Comments

I would like to again reiterate Council's significant disappointment in the timing of exhibition of the Environmental Impact Statement for this Project. The ability of Council, let alone the community, to adequately review and assess the impacts and consequences of such a significant Project on our region in such a short timeframe over the Easter and school holiday period, is not only limited, it creates unnecessary stress that could have been avoided.

Council's commitment to ensuring it meets the submission timeline should not be taken to be support or objection to the Project. Council considers that, without the clarifications required as outlined in this letter, and subject to a Council resolution, it would be premature to form a view on the proposed Project's merit at this stage of the assessment.

I would like to thank you for the opportunity to provide comment on the Bowmans Creek Wind Farm Environmental Impact Statement for the proposed Project. Please contact me on 02 6578 7290 if you have any questions.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Mary-Anne Crawford', with a long, sweeping underline.

Mary-Anne Crawford
Manager Development and Environmental Services