



GINA VEREKER

COMMENT

Submission No: 165759

Organisation: <i>Tamworth Regional Council</i>	Key issues: <i>Energy Transition, Traffic and transport, Social and economic</i>
Location: <i>New South Wales 2340</i>	
Submitter Type: <i>I am someone whose legal consent is required for the development application to proceed under NSW planning laws</i>	
Attachment: <i>Letter to IPC - Thunderbolt Wind Farm.pdf</i>	

Submission date: 3/25/2024 4:44:34 PM

submission attached.

Independent Planning Commission
135 King Street
Sydney NSW 2000

Via email: submissions@ipcn.nsw.gov.au

Dear Neal, Suellen and Bronwyn,

TAMWORTH REGIONAL COUNCIL SUBMISSION TO INDEPENDENT PLANNING COMMISSION – THUNDERBOLT WIND FARM (APPLICATION NUMBER SSD-10807896)

I write to you in relation to the proposed Thunderbolt Wind Farm development which Tamworth Regional Council (TRC) made a submission to the Department dated 27 June 2022.

Whilst TRC maintains its neutral position on the proposal, there remains some unresolved matters which Council requests the Independent Planning Commission (IPC) to give serious consideration as to whether the Applicant and the Department of Planning has adequately demonstrated and assessed the following matters:

Transport Route

- The documented transport route, detailed in *Appendix 13 (Traffic and Transport Impact Assessment)*, utilises Goonoo Goonoo Road, Scott Road, Murray Street and Armidale Road for the OSOM, including turbine components and blades.

These routes have been used previously for similar movements for the previously constructed wind farms near Inverell. The turbine blades are purported to be 90m long. It is noted however, that the assessment has been based on the use of “split” blades, with a maximum component length of 65m. This fits with the earlier maximum dimensions that have been transported through the nominated route. The report is constantly qualified in that the final transport requirements will be subject to review and further detail, because the final decision on componentry is yet to be made. As such, there is potential for longer components to be chosen.

TRC recently fielded an enquiry from the proponents of a proposed wind farm in Dumaresq Valley exploring the possibility of bypassing Tamworth to the south, because the componentry for contemporary wind farms will not fit through the earlier routes. The main point identified, is that the consultants for Neoen have based their assessment on componentry at the smaller end of the likely spectrum. As a result, the assessment is not very robust.

Any increase on componentry size (which is likely based on feedback from other industry participants), will impact heavily on the route through Tamworth. The current draft conditions:

1. Do not make provision for the eventuality that alternative routes around Tamworth may be required for larger componentry, and that these routes will necessarily include currently unsealed rural roads and intersections with inadequate dimensions; and

2. Do not adequately limit the dimensions of componentry. The maximum height of turbines has been nominated as 260m from ground level, but no specific configuration is nominated, and there is no mention of split blades in the approval.

TRC requests that the approval be amended accordingly. We strongly suggest that the issue at hand is bigger than simply tweaking this specific approval.

If the route around Tamworth needs to be re-defined, we are of the opinion that this is a matter to be resolved by both Transport for NSW (TfNSW) and Energy Co. This issue will impact all wind farms to the north of Tamworth, and potentially transformer deliveries for solar farms.

TRC strongly suggest that a meeting should be convened with representatives from Tamworth Regional Council, TfNSW, and Energy Co. to canvas appropriate solutions.

- The applicant has provided an assessment of turbine blade-throw risk. Notwithstanding, the Australian Energy Infrastructure Commissioner in his report dated 2022, recommended a minimum setback for turbines from public roadways of 200m. Nominal turbine locations for the Thunderbolt Wind Farm have been provided by way of coordinates, and the proposed consent allows for further micro-siting to be undertaken with potential for the turbines to move up to 100m from the nominated coordinates. Two of the proposed turbines (T26 and T27) are already shown as being within 200m of Green Valley Road. We request the conditions include a provision that the final revised location of any turbine should be no closer than 200m from the closest edge of any Local Government Road or Crown Road corridor (measured from the centre of the tower).

Draft Conditions Review

- The draft conditions strongly emphasise self-reporting and reporting to the Planning Secretary. Council request that more conditions that potentially alter the approval, specifically in relation to Council roads and infrastructure, biodiversity or community interests should be amended to include “in consultation with the relevant local government authority / roads authority or community”. Council does not agree with a significant number of conditions that simply rely on the Planning Secretary to make a determination. There should be more consultation with Council (or other relevant agencies), specifically to ensure local issues can be canvassed and adequately addressed at a local level.
- Whilst the following is not an exhaustive list of all draft conditions, Council provides the following comments to conditions that we feel are vague or lack finality:

Condition No.	Comment
A2	Why are there no specific plans / documents referenced in the conditions? In a typical local or regionally significant development approval, it is standard practices to endorse plans and documents. This provides everyone with more certainty over what has been approved. Council would like the IPC to consider referencing endorsed plans and documents.
A7	Offset from roadways and road reserves needs to be included as a parameter for micro-siting. A 100m buffer for the placement of a wind turbine is huge. It is unclear how the impacts are assessed or quantified if the applicant has scope to reposition each turbine so substantially. There should also be a condition which requires a registered surveyor to complete a survey to confirm the final location of the turbines (including

	footings and extent of blade tips). This is the only way to confirm if the turbines have been sighted in accordance with the conditions of consent.
A20	See comments below regarding VPA.
B18	<p>If groundwater is proposed, Council requests that evidence of pre-existing groundwater bores that are suitable for the development proposed on the existing lots. Groundwater (bore) flow / yield test results must be able to demonstrate that the existing bores have capacity to support the development and not hinder adjoining properties.</p> <p>Consideration should also be given to water supply availability during periods of drought.</p>
B21	This condition states <i>“The Applicant must not clear any native vegetation or fauna habitat located outside the development corridor”</i> . This needs to be clarified. Does this mean there is no clearing allowed on any haulage route roads reserves/ private property?
B22	If the Planning Secretary <i>does</i> agree otherwise, the Applicant <i>can</i> exceed (a) and does not have to ‘minimise’ (b)i,ii,iii...? This condition provides no certainty to the community.
B25	If the Secretary agrees otherwise then the Applicant does not have to do a Biodiversity Management Plan. This condition puts a lot of decision-making pressure on the Planning Secretary. We will have to hope the Secretary agrees with themself to get the Applicant to do a management plan that is in turn to the Secretary’s own satisfaction.
B31 and B32	<p>These conditions are legally questionable on the grounds that it does not satisfy the requirements for finality. Council recently obtained legal advice for another large-scale wind farm which considered conditions similar to B31 and B32.</p> <p>The advice Council received is relevant to this proposal and the following extracts from the legal advice are provided below for consideration by the IPC.</p> <p>The advice stated that:</p> <p><i>“When assessing and approving a development application, the consent authority must assess and determine the development application with finality. That is, that it must assess all impacts the proposed development will have on the environment and cannot leave parts of the proposed development for later consideration and assessment either by the assessing body or an alternative assessing body. Additionally, there is a requirement for ‘certainty’ to be provided in both the assessment and determination of any development application”.</i></p> <p>Furthermore, the current <i>“recommendations in the Assessment Report followed a process of substantive consultation with the community and relevant road managers, and consideration of potential impacts of all options. Any proposed changes to the haulage route will require significant further assessment of the potential environmental impacts</i></p>

	<p>resulting from any potential changes to any upgrades along any other haulage route.</p> <p><i>“Any potential changes to the haulage route should be done by way of a modification to any potential grant of consent by the IPC, and should not be a result of a process sitting outside of the process outlined in the Environmental Planning and Assessment Act 1979 (EPA Act). This process for the variation to the haulage route does not merely relate to further determination of merely “an administrative matter”.”</i></p> <p><i>“This “resolution” process in proposed conditions B32 and B33 (Conditions B31 and 32 in this case) is unclear and ambiguous. While this is an issue in and of itself, this also gives rise to an additional issue with respect to the approval of any consent under section 138 of the Roads Act 1993 (Roads Act). Section 4.42 of the Environmental Planning and Assessment Act 1979 (EPA Act) states that an authorisation under section 138 of the Roads Act cannot be refused if it is necessary for carrying out state significant development, and is to be “substantially consistent” with the consent and any conditions imposed on that consent. It is unclear how any “resolution” by the Planning Secretary could be considered in the context of any section 138 approval under the Roads Act”.</i></p> <p><i>In addition, there is a distinct lack of ‘certainty’ resulting from the proposed conditions B32 and B33 (again, in this case, Conditions B31 and 32). It is not certain whether the proposed haulage route will actually be the haulage route that will be constructed for the Proposed Development. It is also not certain how any dispute resolution process with the Planning Secretary would actually work in practice.</i></p> <p><i>Further to the above, by deferring resolution of any dispute regarding proposed conditions B32 and B33 (B31 and B32) to the Planning Secretary, the conditions appear to defer final consideration of what road upgrades and road maintenance would be required to the Planning Secretary (who is not the consent authority). This is clearly ultra vires, and given the essential nature of this issue to the Proposed Development, this could lead to the invalidity of any consent that is granted by the IPC.”</i></p> <p>Given the above comments in relation to the haulage route proposed through Tamworth, Council would like the IPC to consider amending Conditions B31 and B32 to require a modification application for any changes proposed to the haulage route.</p> <p>Finally, a qualifying note should also be added to include all incidental structures including but not limited to culvert extensions and headwalls.</p>
B41	<p>When you consider that a standard residential dwelling will often be required to supply 20,000L of water for firefighting purposes, it raises the question that this same volume is required to be provided for a large-scale wind farm development?</p>

B44	<p>This condition could be strengthened to include the development of youth-specific training and employment opportunities.</p> <p>Should also be strengthened to ensure the cumulative impact of seasonal workers the Tamworth region accommodation providers will not impact on other major entertainment, sporting or business events held within the Tamworth region.</p> <p>The strategy must address the phased construction elements and identify periods of high employment which Council requests are to be outside the regular high tourist periods.</p>
C4	<p>This condition reads <i>“If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent”</i>.</p> <p>No consultation with all parties required to be consulted? This is a strangely worded condition leaving almost everything up in the air and removes any chance of transparency.</p>
C13	<p>This condition reads <i>“A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance”</i> – Another strangely worded condition - A non-compliance associated with an incident would be the most important to notify.</p>

Voluntary Planning Agreement

- TRC would also like to request the IPC review whether the Applicant has adequately addressed the Voluntary Planning Agreement and Community Benefit Sharing proposal.
- Council was in receipt of a full offer made by Neoen by means of email on the 16 February 2024, which provided a revised Voluntary Planning Agreement (VPA) and Community Benefit Sharing proposal.
- TRC raised its disappointment with Neoen as the offer varied from previous discussions and the meeting held between TRC, Uralla Shire Council and Neoen on 29 January 2024. Upon review of the email, Council responded and received a revised offer from Neoen on 21 March 2024.
- As the latest offer was only recently received, Council is yet to formally reply to Neoen and therefore an agreement has not been reached at the time of writing.

Quarry Location


- Council remains concerned that the location of any quarries to be utilised for the development has not been identified. Council still does not know if any local roads will be used as haulage routes to transport material to the development site or whether they are capable of additional vehicle movements.

Waste Management

- It is suggested that the conditions are amended to require consultation with Tamworth Regional Council's Water and Waste Directorate in the preparation of a Waste Management Plan. Council requests full details of construction and operational waste upfront i.e. materials, volumes, so that it can be well prepared for any waste intended to be sent to Council waste facilities.

Cumulative Impacts (New England Renewable Energy Zone Projects)

- Cumulative impacts have previously been canvassed in terms of traffic impacts on the haulage route. Projects that will not necessarily utilise the same roads have been excluded. However, these projects are still relevant in terms of impacts on accommodation, employment, waste management, parking and local traffic movements in Tamworth's town centre. This matter should be the subject of specific analysis and recommendations. There is considerable disparity in way these matters are assessed across different projects and consulting teams. It would seem logical that a combined effort should be coordinated, perhaps under the stewardship of EnergyCo.
- In regards to potential cumulative impacts on the local job network, the Applicant has committed to sourcing up to 135 Jobs from the local community. Whilst this can be viewed on the surface to be a very positive aspect, there is an underlying issue. There is already a skilled worker shortage in Australia and the Tamworth Region is not immune from this.
- A concerted effort must be made by all relevant stakeholders involved in the delivery of the REZ projects to support the local services required to undertake this work. This might again involve engagement by the likes of EnergyCo with local job/training providers such as TAFE NSW to develop new strategies and boost local skills.
- Construction related jobs are often flagged as important considerations, but there are also ongoing jobs required for operational work such as auditing, project management, electrical work etc. Council would like to see more active work in this space to provide more opportunities for traineeship/apprenticeships for REZ related skills.
- Concerns are also raised with the need for workers accommodation and the cumulative impacts on the Bendemeer, Moonbi and Kootingal communities.
- Council would like the IPC to consider in the conditions the potential for accommodation legacy projects. Where the need for temporary workers accommodation has been satisfied, there could be ongoing long term accommodation options which could have real benefits to the Tamworth Region, particularly in terms of addressing long term affordable housing options.
- The impacts on Tamworth's tourist economy could be catastrophic if an accommodation strategy does not properly consider the number of events held in the Tamworth Region per year and when they occur. If some events are impacted by the lack of accommodation options as a result of the REZ projects "booking out" available accommodation it may be difficult for any such events to recover. It is vital that all REZ projects, including the Thunderbolt Wind Farm, strongly consider the timing of Tourism events when preparing construction timeframes to ensure these impacts are minimised. www.destinationtamworth.com.au has a regularly updated calendar that will assist, however consultation with Council Events team will be important.



Should you require any clarification in relation to the matters raised above, please contact Council on the detail below.

Yours faithfully,



Gina Vereker

**Director, Liveable Communities
Tamworth Regional Council**

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25 March 2024