

Valley of the Winds IPCn submission

DPHI Recommended Conditions of Consent Issues & Suggestions

Condition B1.

“(d) The mitigation measures must be implemented within 12 months of receiving the written request, unless the Planning Secretary agrees otherwise.” **Twelve months is a long time for a neighbouring landowner to wait for visual impact mitigation. Could the condition be within 3 months of the landowners written request?**

“Notes:

- *To avoid any doubt, mitigation measures are not required to be implemented to reduce the visibility of wind turbines from any other locations on the property other than the residence and its curtilage.*” **Why is visual impact mitigation only necessary from a residence and its curtilage? Farmers spend large amounts of their days in the paddocks, visual impact assessment and mitigation should apply to entire properties, not just the residence.**

Condition B4.

“The Applicant must ensure that shadow flicker associated with wind turbines does not exceed 30 hours per annum at any non-associated residence.” **There should be a zero tolerance policy for shadow flicker at any non-associated residence.**

Condition B6.

“The following activities may be carried out outside the hours specified in condition B5 above:

(a) activities that are inaudible at non-associated residences;” **Who decides what activities are considered inaudible at non-associated residences? Who will police the audibility of such works? What will be the consequences if there are out of hours works carried out deemed audible at non-associated residences?**

Condition B8.

“The Applicant must take all reasonable steps to minimise the noise generated by the development during construction, decommissioning and road upgrade works, including any associated traffic noise.” **What are considered “all reasonable steps”? Is the language in this condition enforceable given it is subject to interpretation?**

Condition B13. - B17.

Is there noise monitoring assessment carried out at non-associated residences during operation by an independent authority? What is the penalty or consequence of any noise exceedance at a non-associated dwelling?

Condition B18.

“The Applicant must take all reasonable steps to:

- (a) minimise the off-site dust, fume and blast emissions of the development; and
- (b) minimise the surface disturbance of the site.”

Again, this condition uses the wording “all reasonable steps”. This is very ambiguous and needs to be more enforceable.

Condition B20.

“The Applicant must:

- (a) minimise erosion and control sediment generation;
- (d) ensure the concrete batching plants and substation are suitably bunded; and
- (e) minimise any spills of hazardous materials or hydrocarbons, and clean up any spills as soon as possible after they occur.”

Again, the language is not strong enough; although the condition begins with “the Applicant must” thereafter the words used are “minimised”, “suitably” and “as soon as possible”. There must be more rigorous conditions to protect the impacted communities and environment.

Condition B30.

(d) All high-risk heavy vehicles requiring escort and heavy vehicles requiring escort must only travel on the Golden Highway, and/or any local roads, between the hours of 11pm and 4am so as to lessen the impact to the the region.

Condition B31.

..... as identified in Figure 2 of Appendix 5 unless otherwise agreed by the Planning Secretary and in consultation with the relevant roads authority and the local Council and local landowners and community members.

Condition B30. & B31.

How will the Applicant ensure that all vehicles associated with the development access the site through the designated routes? Will the general public be expected to police the traffic movements attributed to the project?

Condition B32.

..... Figure 2 of Appendix 5 ~~at any time except for emergency purposes,~~ unless the Planning Secretary agrees otherwise following acceptance by the local Council and local landowners and community members.

Condition B33.

Unless the Planning Secretary agrees otherwise, following acceptance by the local Council and local landowners and community members, the road upgrades identified in Table 1 and Figures 3a-3e of Appendix 5 must be implemented by the Applicant in accordance with the relevant timing requirements, to the satisfaction of the relevant roads authority.

Under the “Timing” column in Table 1 of Appendix 7 all upgrades are conditioned to be completed “prior to use by heavy vehicles requiring escort”. EnergyCo is currently responsible for all Port to REZ roadworks. **If EnergyCo does not have the road treatments in Table 1 completed prior to ACEN requiring the use of the roads/intersections will ACEN be obliged to complete the works? Who is responsible for enforcing the timing of and treatments required in this condition of consent?**

Condition B34.

Prior to commencing transport of high-risk heavy vehicles requiring escort larger than 6.3 m in height or exceeding 5.8 m in width, or for blade length longer than 85m, the Applicant must prepare a Transport Strategy, in consultation with TfNSW and relevant Councils, and local landowners and community members, to the satisfaction of the Planning Secretary.

Condition B36.

“The Applicant must, in consultation with the relevant Council:”

“If there is a dispute between the Applicant and the relevant council about the repair of the above listed roads, then either party may refer the matter to the Planning Secretary for resolution.”

Given there will be an additional workload placed on both Warrumbungle Shire Council and Dubbo Regional Council, will the Applicant provide remuneration to both Councils for any time staff spend in relation to the Spicers Creek Wind project?

Condition B37.

Who will be responsible for overseeing all parts of this condition are enforced, and how often will inspections be carried out by an independent party? In the event of a dispute between a landowner and the Applicant (over, for example, internal road construction and/or maintenance) who will be responsible for finding a resolution?

Condition B38. Prior to commencing any upgrades identified in condition B34, the Applicant must prepare a Traffic Management Plan for the development in consultation with TfNSW, EnergyCo, local (Coolah, Dunedoo, Leadville) emergency agencies and Warrumbungle Shire Council, seek feedback from affected landowners and community members, and to the satisfaction of the Planning Secretary.

(c) (iv) notifying the local community about development-related traffic impacts NB: notification of works or road closures will be advertised not less than one month before the commencement of aforementioned work. If the works are delayed or go over time the Applicant's approval will be revoked;

(vi) minimising potential cumulative traffic impacts with other projects along the access route, including consultation with TfNSW and EnergyCo regarding their projects NB: whole of Government cumulative impact assessment findings and mitigation measures are to be included;

(vii) minimising potential conflict with rail services, stock movements, school buses and other road users as far as practicable, including preventing queuing on the public road network NB: livestock have the legal right of way - any stock movements will force project traffic to halt until such a time as the person in charge of the livestock deems it safe for them to proceed with operations;

Again, given there will be an additional workload placed on both Warrumbungle Shire Council and Dubbo Regional Council, will the Applicant provide remuneration to both Councils for any time staff spend in relation to the Spicers Creek Wind project?

Will the driver's code of conduct address any measures surrounding discipline for any drivers found disregarding designated haulage and transport routes and speed limits, not driving safely, or adhering to driver fatigue policy? Will an independent body be responsible for dealing with any incompliance to ensure transparency?

Condition B38A.

Failure to comply with the conditions stated from B30 to B38 will result in the Applicant's project approval being revoked.

Condition B38B.

Any incident that results in the damage of private property or loss of livestock, in which a project associated vehicle is involved, at fault or not, will require the Applicant to pay for any associated costs of repair and/or replacement and/or cover lost income as a result of the incident.

Condition B38C.

If a project associated vehicle is found to be involved in an "at fault" incident the Applicant's project approval will be revoked.

Condition B38D.

The Applicant must make available five appropriately trained staff, at all times during construction and operation, to attend emergency road accidents with the local volunteer agencies.

Condition B53.

"The Applicant must:

- (a) minimise the fire risks of the development, including managing vegetation fuel loads on-site;
- (b) ensure that the development:

- (i) complies with the relevant asset protection requirements in the RFS's *Planning for Bushfire Protection 2019* (or equivalent) and *Standards for Asset Protection Zones*;

- (ii) is suitably equipped to respond to any fires on site including provision of a 20,000 litre water supply tank fitted with a 65 mm Storz fitting and a FRNSW compatible suction connection located adjacent to each substation;
- (iii) is managed as an asset protection zone (including the defensible space);
- (c) assist the RFS, FRNSW, NPWS and emergency services as much as practicable if there is a fire in the vicinity of the site; and
- (d) notify the relevant local emergency management committee following construction of the development, and prior to commencing operations."

How will the Applicant "manage vegetation fuel loads on-site" given the majority of the project site is working farms? Will there be conditions around how much/the length of vegetation/grass allowed to remain on the entire site?

With regard to the recommended capacity of a water tank on site - a 38mm fire fighting nozzle is capable of pumping 280L/minute meaning 20,000L of water would be used in 71 minutes. During most grass or bushfires there are numerous fire fighting trucks and trailers used in an attempt to put the fire out in a timely manner for obvious reasons. An average call out for RFS members would see half a dozen vehicles/trucks attend – six 38mm nozzles would use 20,000L in just over 10 minutes. 20,000L is not enough water to adequately fight, nor black out, even the smallest of fires in rural NSW.

An Asset Protection Zone (APZ) around wind project infrastructure, and the project site, may well assist in protecting those structures from fire, but what/who will protect the surrounding habitat, farming land and communities?

ACEN should be responsible for fire fighting within the vicinity of the site. NSW RFS fire fighters are volunteers, many of whom are objecting to large scale renewable energy infrastructure installations. Fire & Rescue fire fighters, although paid, are local business owners and employees doing their communities a service; they do not need extra call outs, and Dunedoo should not be left without emergency services due to the SQE development. Other emergency services in the region are also stretched; the Spicers Creek Wind project should not be permitted to use any existing local emergency services.

Condition B59.

Exactly how will ACEN have to "consider the cumulative impacts associated with other State significant Projects in the area"? Cumulative impact studies to date with regard to the CWO REZ and "rapid transition to renewable energy" have not adequately considered the impacts on affected landowners and/or communities.

Renewable energy infrastructure projects in the CWO REZ are advertised as benefitting the local workforce. Is it acceptable that the condition of consent only requires ACEN to "investigate" the "options for prioritising the employment of local workers" not making it an essential prerequisite?

Condition B61.

Following rehabilitation and revegetation does the proponent have any obligation to the management of the project site? I.e. If a wind turbine pad is, as conditioned, "covered with soil and/or rock and revegetated" but in following years suffers from erosion or subsidence is there any onus on the proponent to repair such damage for a specific number of years or life?

Condition C13.

Does the Applicant have an obligation to notify the broader community/region of the commencement of construction? Is there any required notification for landowners along the designated transport route?

Condition C15.

"(b) keep this information up to date."

“Up to date” is a very open ended condition. There should be a strict number of days/weeks required in this condition. For example, the condition could read “this information must be uploaded to the Applicant’s website no longer than 7 days following any update”.

Valley of the Winds IPCn meeting speech

(Slide 1) Good morning everybody. I am a fifth generation farmer from Dunedoo and I am deeply concerned for the agricultural industry and rural and regional NSW, and Australia, with regard to the “rapid transition to renewable energy”.

(Slide 2) The people most affected by the “transition” are those who have fed and clothed the population for generations. To hear proponents and DPHI project assessors deem the impacts to surrounding landowners and communities as “minor”, “insignificant” or “negligible” is an insult to our way of life and the things we value most. Not only will our landscape be forever altered, the majority of these projects also pose an enormous threat to our industry and businesses, our personal safety, and that of our livestock, wildlife and environment.

(Slide 3) The Central West Orana REZ was formally declared in November 2021 to the eventual bewilderment and devastation of a large number of landowners and community members – most had no idea it had even happened until EnergyCo thrust themselves upon our district. What has followed since has been nothing short of traumatic.

The declaration of the REZ’s was the first breach of legislation with regard to the “rapid transition to renewable energy” – not a great start considering it was one of the first steps taken publicly after years of negotiations behind closed doors. The Act clearly states that the Minister may make a declaration only if the Minister has considered the views of the local community in the renewable energy zone. We didn’t ever have a say about our homes and district becoming “the renewable energy power plant of the future”.

(Slide 4) “Social license to operate has been defined as an ongoing acceptance of a project by the community and other important stakeholders.” During the exhibition period of the Valley of the Winds EIS the Department received 105 submissions from the public, 94 of which were objections. An ACEN representative stated only last week that the remaining amount of community opposition to the project is “quite standard for a project of this size”. The same staff member also said they thought 40% of those who made submissions were local. The commissioners must note that 58 out of 94 objectors to the project live within 50km of the site, out here that is local – and that is in fact over 60%.

(Slide 5) The Department of Primary Industries Agriculture Industry Snapshot for Planning August 2020 states “the Central West Slopes and Plains has the advantage of large areas of unfragmented land that allow the achievement of economies of scale for broadacre agriculture including irrigation. This coupled with suitable soils and water supply, infrastructure as well as access to markets in Dubbo, Orange, Sydney, and Newcastle make the Sub Region one of the most successful and profitable in NSW.” It also says “future land use planning must recognise the importance of agriculture to society and the economy and that the land and resources on which agriculture depend need to be protected and managed to enable continued use of the land for agriculture”.

(Slide 6) The Snapshot also declares that “the Central West Slopes and Plains Sub Region supports high value agriculture now and will be important to sustain production of more specialised agricultural and horticultural enterprises into the future.” I wonder what has changed in the four years since the NSW DPI

released this publication? New legislation? Is it wise to allow such a vast amount of land to be taken out of full agricultural production? We cannot simply create more farmland on which to produce food and fibre.

(Slide 7) The health of our livestock is paramount. The Livestock Production Assurance accreditation now requires the declaration of livestock grazing under renewable energy infrastructure and forces the producer to conduct a risk assessment to mitigate any potential contamination. While the LPA does not currently prohibit or restrict the installation of renewable energy infrastructure on land used for livestock production, imagine the consequences of contamination being found in Australian meat products or fibre and the widespread ramifications that would have on the agricultural industry. Have there been adequate studies conducted to ensure there are no adverse impacts to the health and productivity of livestock attributable to renewable energy infrastructure?

(Slide 8) In February 2017 the Sir Ivan Bushfire burnt over 50,000ha of mostly farmland, a length of approximately 50km, in the Dunedoo, Coolah and Cassilis districts, within three days. Whilst there is no clear acknowledgment regarding firefighting limitations to date from the RFS bureaucrats, it is obvious to those of us who have been involved in previous firefighting efforts that areas with renewable energy infrastructure will be avoided by planes and helicopters, for operator safety, and ground crew access will be limited during bushfires that could well be a life and death situation not only for livestock and wildlife but for local residents.

(Slide 9) How will we adequately protect ourselves, our homes, our livestock, our environment and our wildlife, and who will be held responsible for any losses incurred if protection measures are restricted by such infrastructure?

(Slide 10) The devastation and destruction left behind after catastrophic events such as the 1979 bushfire, which burnt around Dunedoo and Birriwa and claimed one human life, and Sir Ivan, is cleaned up by landowners and community members – the majority of whom are objecting to projects like Valley of the Winds. Will we see government bureaucrats and renewable energy developer staff cleaning up after the next disaster given the failure of the planning process in adequately assessing this risk?

(Slide 11) The majority of road upgrades between the Port of Newcastle and the project site will be carried out as part of EnergyCo's Port to REZ project and used by a large number of renewable energy projects concurrently. Given the large increase in heavy vehicle movements, how will DPHI and IPCn ensure there are not negative impacts felt by local road users given there has not been a whole of REZ cumulative impact study completed with regard to transport and traffic? Will we get our produce to the Port to meet markets or will farmers be forced to bear the cost of lost income? With more traffic comes more accidents – how will the safety of existing road users be ensured? How will our voluntary emergency services cope with an increase in incidents?

We have told that OSOM vehicles will be transported overnight to reduce impacts to road users – on Tuesday, 8th April 2025, a wind turbine blade went through the main street of Dunedoo at 9.30am. Are the only road users who will have their impacts reduced residing close to the east coast?

At the AFR's Infrastructure Summit in November 2024, Port of Newcastle CEO, Craig Carmody, reportedly stated that there will be 9,500 wind turbines and 30,500 components for the CWO REZ brought in through the Port in the next seven years. He said "we already do 86 per cent of all the wind turbines into NSW. You can only move six trucks a night. If you extrapolate that out, it will take us 11 years to move the wind turbines that we're supposed to do in seven years." And that is only for the CWO REZ – but who's counting?

(Slide 12) The region is serviced by a network of local roads that vary in condition, surface type and use – they primarily serve local residents, farmers and travellers. The traffic levels around Coolah can generally be categorised as light compared to more highly populated areas. How will our roads, local road users

and businesses cope with a nearly 200% increase in traffic volume from this project alone – let alone the cumulative impact from all of the projects in the region?

(Slide 13) We have all, and will again, handfed livestock through droughts but there is no way to go on without water. ACEN is proposing to access water from a varied range of sources. There must be restrictions put in place to ensure there is no impact to the stock and domestic water supply as a result of the Valley of the Winds project. Will water monitoring be implemented, and supply restricted if construction coincides with a period of low rainfall? Who will be held legally responsible if any local groundwater aquifer suffers from compaction due to over-extraction, permanently reducing the capacity of the aquifer to store water?

DPHI has stated in the assessment report that they, and the NSW DCCEEW Water group, are “satisfied that the projects water use is unlikely to have any significant impact on water supply and demand in the region”. Unlikely is not comforting to those of us who rely on water to keep their livestock alive. What would be significant – thousands of livestock perishing due to the failure of an essential underground aquifer? How can these claims be made prior to the completion of the REZ wide cumulative impact studies? Who will be held legally responsible if this disaster eventuates?

(Slide 14) Cumulative impacts result from individually minor, but collectively significant actions taking place over a period of time. Not only are there cumulative impacts for each renewable energy project – for instance, increases in traffic coupled with the degradation of road surfaces and increase instance of accidents – but there is also the cumulative impact of each project having individual impacts compounded by another project or projects in the area having the same impact. The Renewable Energy Transition Update, November 2024, states that the NSW Government has “committed to undertaking cumulative impact studies for the Central West Orana, New England and South West REZs” – shouldn’t these studies have been completed prior to any construction works that will cause negative impacts to the local communities commencing?

(Slide 15) I have come to question the intent of the establishment of the NSW Independent Planning Commission given the following - firstly, not one large scale renewable energy infrastructure project has been refused since the inception of the IPCn - there have been 25 approvals. Secondly, the Minister for Climate Change and Energy’s request to IPCn “that agencies involved in the assessment and decision making processes within the planning system have regard” for the legislated emission reduction targets as they assess projects. And, lastly, a panel Chair stating that the IPCn’s “role is to implement the State Government policy in terms of renewable energy”.

I believe that the Independent Planning Commission making a determination on the Valley of the Winds project in the absence of the findings from the CWO REZ whole of Government cumulative impact assessment is, firstly, a breach of the Governments’ own guidelines, and secondly, unjust, irresponsible and unlawful given the scope and magnitude of the potential negative impacts on the local community and broader region. Is this really “in the public interest”?