

Our ref: SSD 41134610

Mr Stephen Barry

Planning Director

Independent Planning Commission NSW

Via email

23/10/2024

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**Subject:** Spicers Creek Wind Farm – Questions on Notice

Dear Mr Barry

I refer to your letter dated 5 September 2024, seeking any additional information on the proposed Spicers Creek Wind Farm (Project) for consideration by the NSW Independent Planning Commission (Commission). The Department's response to the Commission Panel's question is set out below.

**Question 1: Considering recent guidance from the NSW Court of Appeal in the matter of *Bingman Catchment Landcare Group Incorporated v Bowdens Silver Pty Ltd* [2024] NSWCA 205, are there any likely impacts of the proposed development that, although they may not form part of the present SSD application, the Panel should still consider in its determination?**

There are four elements with associated impacts for the Project that the Panel may wish to consider for the sake of completeness, in light of the NSW Court of Appeal decision in *Bingman Catchment Landcare Group Incorporated v Bowdens Silver Pty Ltd* [2024] NSWCA 205 (Bowdens). For clarity, these elements do not form part of the State significant development (SSD) the subject of the SSD application.

We note that the general information referred to below is already before the Commission as part of the SSD application and the specific information provided in this letter is intended to be supplementary or updated information only.

The four elements include:

1. Road upgrades between the Port of Newcastle and the Renewable Energy Zone (REZ) to allow for use by heavy vehicles requiring escort;
2. Construction of a temporary workforce accommodation facility;
3. Upgrades to a sewage treatment plant; and
4. The transmission connection to the grid.

The Department has considered the impacts of these four elements and is of the view that:

- The impacts for the road works are not significant. They are part of a package of separate works proposed by EnergyCo and will be subject to a separate assessment and approval pathway in accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act).
- The details of the other elements (accommodation camp and sewage treatment plant) are not known at this time and other options for delivering these elements may be available. In any case, the Department considers that the detailed impacts of these elements are not fundamental to the application. The impacts are unlikely to be significant and can be appropriately assessed under other approval pathways in accordance with the EP&A Act.
- The transmission connection for the project to the Central West Orana Renewable Energy Zone Transmission line was assessed as part of the Critical State Significant infrastructure application approved on 26 June 2024.

Although the Department considers that the impacts of the four elements are relatively minor, additional information is provided below for completeness.

### **Road Upgrades**

The construction of the Project would require the delivery of large blade and transformer components from the Port of Newcastle to the project site by heavy vehicles requiring escort. EnergyCo as Infrastructure Planner for the REZs has identified sections of the state road network which would require upgrading to enable movement of oversized and/or overmass (OSOM) components for multiple generation and transmission projects in the REZ. These upgrades are being carried out by EnergyCo and Transport for NSW as part of the 'Port to REZ' Project.

EnergyCo has determined the scope and design of the upgrades in close consultation with Transport for NSW and has also engaged with relevant local councils and landowners who may be impacted. The works would include construction of new hardstand or pavement widening, drainage adjustments, relocation of signage and utilities and tree trimming or removal. The Department understands that the road upgrades are likely to result in minor impacts during construction including noise, traffic, erosion and sedimentation. The Department understands that EnergyCo is currently in the process of procuring a contractor to undertake the works and that the timing and duration of the works will be subject to the contractor's construction programme.

The Department has considered the impacts associated with the Port to REZ package in assessing the Spicers Creek Wind Farm development application and concludes that the impacts are unlikely to be significant and the impacts would be appropriately managed by EnergyCo and their construction contractor.

The Applicant (Squadron) undertook a route study as part of their Environmental Impact Statement which identified sections of the road network that would require upgrades to facilitate movement of

the OSOM components for the Project. Table 1 of Appendix 7 of the Department's Recommended Instrument of Consent identifies these upgrades and requires that they are completed prior to use by heavy vehicles requiring escort. The Department acknowledges that the expectation is that these works would be undertaken by (or on behalf of) EnergyCo. If the upgrades are not undertaken by EnergyCo, Squadron has committed to undertake all necessary upgrades for the project prior to commencing construction (subject to a separate assessment and approval process in accordance with the EP&A Act).

### **Temporary Workers Accommodation Facility**

Squadron is proposing several options to house the construction workforce for the project to minimise strain on the limited capacity of short term accommodation available in the area. These options include the augmentation and/or reuse of existing accommodation facilities such as the former Bellhaven aged care facility and the construction of temporary workforce accommodation facility (TWA) within the Dubbo Regional Local Government Area (LGA).

Dubbo Regional Council expressed an interest in supporting Squadron to secure a location for the TWA which could deliver a legacy benefit for the local community and other developments within the region. Squadron has reached an in principle agreement with Dubbo Regional Council and has identified a suitable land parcel (a portion of Lot 200 DP 1280301) in the south west of Dubbo. The TWA would be subject to a separate development application process through Dubbo Regional Council. The development would need to adhere to various development standards and planning controls to ensure the suitability of both the site and the proposed development.

The Department understands that the selected site is suitable for the development and has limited environmental constraints and has access to existing services. Impacts associated with the TWA would be mostly temporary during the wind farm construction phase and could be managed with appropriate mitigation measures. The TWA would also provide longer term positive impacts for the local community.

In assessing the Spicers Creek Wind Farm development application, the Department has considered the potential impacts associated with the construction of a TWA based on the information currently available. It considers that the impacts are unlikely to be significant and would be appropriately managed during construction and supports the collaborative approach between Squadron and Dubbo Regional Council to reach a mutually beneficial outcome.

### **Water Supply and Sewage Treatment Plant Upgrade**

Squadron proposes several options for obtaining the water supply required for construction and operation of the project from multiple sources, including harvested runoff, farm dams, groundwater bores and by purchasing and transporting water to site by tanker.

Squadron is also pursuing a Public Private Partnership with Dubbo Regional Council in which Squadron would provide funds to upgrade an existing sewage treatment plant (STP). The upgrades to the STP do not form part of the SSD application. In the short term the upgraded STP would provide a source of water for the construction of the project and in the long term could provide greater water security for Dubbo Regional Council.

Although not the only solution for sourcing water for the project, the Department has considered the impacts associated with an upgrade of an existing STP and considers the impacts are unlikely to be significant and could be appropriately managed.

#### Transmission Connection

Spicers Creek Wind Farm is a Candidate Foundation Generator, which means Squadron are working closely with EnergyCo to plan their proposed connections to the REZ transmission network. This means the Spicers Creek Wind Farm would have direct access to the electrical grid from Squadron's proposed substation to the Central West Orana Renewable Energy Zone (CWO REZ) transmission line via the CWO REZ switching station. The CWO REZ transmission line and switching station were the subject of a separate Critical State Significant Infrastructure application which was assessed in detail and approved by the Minister for Planning and Public Spaces on 26 June 2024. Squadron is proposing additional development to connect to the CWO transmission line, namely a transmission connection and substation which form part of Spicers Creek Wind Farm SSD application. This development is located within the boundary of the proposed development corridor and has been fully considered in the Department's assessment.

#### Conclusion

The Department has considered the impacts of the above four elements in their assessment of Spicers Creek Wind Farm and maintains its position that the associated impacts are minor. This additional information has been provided to the Panel for consideration in assessing and determining the Project.

Thank you for the opportunity to provide this additional information regarding the Project.

If you wish to discuss the matter further, please contact Nicole Brewer on [REDACTED] or [REDACTED]

Yours sincerely,

[REDACTED]

Nicole Brewer  
Director  
Energy Assessments