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9 November 2022

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Development Assessment
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Dear Ms Brewer

Submission in Response to the EIS on the Proposed Birriwa Solar Farm (Application No SSD-29508870)

1. Introduction

Thank you for the opportunity for Warrumbungle Shire Council ('Council') to table this Submission in response to the EIS for the proposed Birriwa Solar Farm Project ('Proposal'), planned to be located 15kms south-west of Dunedoo.

It is understood the Proposal involves the establishment and operation of a solar farm and associated infrastructure featuring:

- 600 megawatts (MW) generation capacity (1 Mil solar PV panels) and a centralised battery energy storage system (BESS) of up to 600 MW, plus an on-site substation;
- A Capital Investment Value of \$1Bil;
- Covering a land area of approximately 1,330 ha;
- A 24-month construction period, followed by a 30-year operational life;
- A peak of 800 construction jobs followed by 20 full time operational jobs. An average construction workforce of approximately 360 people for the solar component and 170 people for the BESS;
- Increases in road traffic volumes and types along the Castlereagh Highway, Birriwa Bus Route South and Barneys Reef Road; and
- A transmission line connection to the proposed CWO REZ Merotherie Energy Hub nearby. It is noted the EIS does not address the impact of this connecting link.

Whilst the project infrastructure is planned to be physically located within Mid-Western Local Government Area (LGA), the site is immediately adjacent to the boundary of Warrumbungle LGA and thus Council will be impacted, including Barneys Reef Road.

2. Overview Comments

There are some 10 renewable energy projects (proposed/actual) located wholly or in part in Warrumbungle LGA. Across the Central West Orana REZ ('REZ') overall there are some 25 proposed/actual renewable energy projects.

Whilst Council is generally supportive of renewable energy initiatives, the likely scope and extent of cumulative impacts arising from all these proposed or actual projects remains unquantified. The lack of meaningful detail on cumulative impacts, amongst other matters, means Council is not in a position to make an informed judgement as to the relative costs and benefits of the Proposal.

Council wishes to see information provided as to how the Proposal-specific impacts relate in the context of the overall cumulative impacts across both the Shire and the REZ more broadly.

Key subjects of material interest to Council include:

- a) The increased traffic on Shire roads – including light, heavy and oversized;
- b) The accommodation of the Project's maximum 800 strong construction workforce – how and where;
- c) Jobs competition impacting local businesses;
- d) Waste volumes and types and their destination – associated with Project construction, replacement of PV modules after 15 - 20 years, the replacement of the battery components after 20 years and the decommissioning of the Project after 30 years;
- e) The environmental, social and economic costs (who bears them?) and benefits (for whom?) as they relate to the Warrumbungle Shire; and
- f) Securing a Planning Agreement.

The various concerns are outlined in this submission. It is because of these unresolved and significant matters that Council hereby lodges an objection to the Proposal. The prospect of Council subsequently reviewing its objection is dependent on whether the Proponent and DPE actively and substantively engages with Council to address, to Council's written satisfaction, the concerns listed herein.

Council, its residents, ratepayers and community groupings, need to be satisfied that the environmental, social and economic features and attributes of the Warrumbungle LGA in general, and the local communities, towns and rural districts in particular, will be safeguarded and their future wellbeing enhanced.

A priority consideration is that Council needs to be able to feel confident both the project-specific and Shire-wide cumulative environmental, social and economic costs will not be borne by the residents and ratepayers of the Shire without fair and just compensation.

Some of the abovementioned items are expanded below.

3. Road and Traffic Impacts

The roads proposed to be primarily used by the Project are the Castlereagh Highway, Barneys Reef Road and Birriwa Bus Route South.

Road and Intersection Upgrades and Maintenance

Approximately 800m of the unsealed Barneys Reef Road is within the Warrumbungle Shire LGA. Council has collaborated with Mid-Western Regional Council on the matter and will support MWRC's position relating to the upgrading and maintenance requirements for said road.

Jurisdiction for the proposed Castlereagh Highway/Barneys Reef Rd intersection treatments is a matter for Transport for NSW.

It is noted in the EIS:

- Peak traffic trips per day (i.e. in and out) during construction (Table 6.12, pages 129):
 - Light vehicles = 360 (assuming carpooling of 1.5 persons/car).
 - Shuttle buses = 13
 - Heavy vehicles = 120
 - OSOM = 1
- 65% of the light vehicle traffic are predicted to travel from the south, i.e. Mudgee and Gulgong and the remaining 35% from the north i.e. Dunedoo and Dubbo. All shuttle buses to come from the south. Heavy vehicles from Newcastle will access via the Golden Highway, although some Sydney traffic will be via the Castlereagh Highway.
- The maximum length of OSOM vehicles are up to 120 m. Decommissioning will require the same number of OSOM vehicles (i.e. to remove the infrastructure). Heavy/OSOM vehicles will also be required for PV panel replacement and battery componentry replacement mid the life of the development;
- Due to a narrow carriageway width of approximately 6 m, the unsealed Barneys Reef Road requires upgrading (resurfacing and widening) to a 9.2 m road carriageway (see ES5.3). However, there is confusion in the EIS as Table 3.3 (page 40) states an upgrade to a 7.2 m road carriageway (including 3.1 m travel lanes and 0.5 m shoulders). Please advise which is correct.
- The Developer is to maintain Barneys Reef Road at its cost and at a 'Good' Service Level or better in accordance with Council's Asset Management Plan (Roads), from the start until the end of the construction period, and repair and re-sheet the full width of the gravel base and wearing course to Council's satisfaction before handing back care and control to Council after decommissioning.
- The following turn treatments will be required for the project construction traffic access at the Castlereagh Highway/Barneys Reef intersection:
 - A Basic Left Turn (BAL) and Basic Right Turn (BAR) treatment to cater for the largest vehicle accessing the project (excluding over-dimensional vehicles);
 - A channelised right turn treatment (CHR) for the northbound right turning traffic from the Castlereagh Highway to Barneys Reef Road.
 - When cumulative impacts are considered with other proposed developments in the area (i.e. the proposed Tallawang Solar and Barneys Reef Wind Farm), an auxiliary left lane turn treatment (AUL) may also be required for left turning traffic from the Castlereagh Highway southbound to Barneys Reef Road.
- Crown roads within the development footprint and road upgrade corridor will require closing or an application for tenure, which will be undertaken in consultation with NSW Crown Lands.

The proponent estimates 218 ML of water will be required for construction purposes. This stated demand suggests approximately 25,000 heavy vehicle watercart movements. Council requests the total heavy vehicle movements for the whole project be re-calculated as it appears they have been underestimated.

A road maintenance program needs to be developed in consultation with the road authorities and include route inspections/dilapidation surveys of all the affected local roads. Any road pavement damage which occurs during the project construction period will require restoration to their pre-construction condition at the completion of construction. A Traffic Management Plan, secured by way of performance bonds, will also be required by Council.

Infrastructure Refurbishment and Decommissioning Phase Traffic

There will be infrastructure and equipment refurbishment (e.g. PV panels and batteries) undertaken during the 30-year life of operations. Council seeks quantification of the scope and extent of that activity, particularly in relation to both traffic and road impacts and workforce variations.

4. Securing Development Contributions via a Planning Agreement

The EIS mentions the Proponent has a Planning Agreement with Mid-Western Regional Council for the nearby Stubbo Solar and Battery Project, paying \$300 per MW installed per year. In addition, there is a Social Investment Program (SIP) for that project and the Developer foreshadows that the SIP may become a broader Community Benefit Sharing Program (CBSP) across a number of its REZ projects.

As the sphere of government directly responsible for the day-to-day governance of Warrumbungle LGA, the issues Council has to manage are significant and diverse. Whether it be roads and bridges, water and sewerage systems, waste, community buildings, recreation or day care facilities, the availability and quality of this infrastructure and social services has a significant influence on the quality of life and wellbeing of its citizens and ratepayers.

Local Government is guided by a range of best practice laws, regulations and policies to support them to make good decisions that will create positive outcomes for their local communities.

Council seeks development contributions from the Proponent via a Planning Agreement that acknowledges the tangible and intangible environmental, social and economic costs arising from the Proposal. Such funds will be applied to a public purpose that will ensure the provision of a public benefits.

As the Warrumbungle LGA will be impacted by the Proposal, it requires a Planning Agreement to be negotiated with it prior to any contemplation by the NSW Government of the granting of development approval. In addition, Council requires the Agreement's key terms to be included as a specific condition within any project consent.

Council remains to be convinced that separate allocations to various community groups or individuals, rather than the development contributions being managed by Council, is justified for the following reasons:

- a) As per the provisions of the EP&A Act, a Planning Agreement is secured with the LGA. With that comes certain statutory responsibilities and obligations for which Council is liable. Outsourcing Council management responsibilities to the general public, for instance a community group, carries considerable governance and legal risks. Similarly, under the Local Government Act, the Council has statutory obligations that are at odds with

outsourcing funds to a community group;

- b) Under the EP&A Act, Council is legally responsible for managing and reporting on the performance of the Planning Agreement in all its facets. These aspects include decision-making for the allocation of funds, the appropriate management of said funds, the performance of projects allocated funding and annual reporting; and
- c) Funds administered by a community group may result in additional assets within the community that the Council is expected to maintain and replace throughout the assets lifecycle. Such assets might not be in accord with Council's four-year Delivery Program and Operational Plan, thus creating an unwanted and unsustainable financial burden on Council.

Council is of the view that the full quantum of development contributions be provided to it and it will manage the finances and determine how decisions are made, in accordance with standard practice widely adopted by Councils across rural NSW on many other energy and mining projects.

Council is however amenable to having a management committee comprising local representatives, Council and the Proponent be involved in the funding allocation decision-making process.

5. Employment of Locals

It appears the EIS makes some generalised references to employing and training locals however there are no firm, definitive undertakings provided.

The Proponent is likely to engage an Engineering, Procurement and Construction (EPC) contractor to build the project. From experience, such service providers generally have limited appetite to employ and train locals. It is noted the EIS suggests 70% of the construction workforce (560 people) will be non-locals.

Council wishes to see more locals benefit from training and employment on the project and it request the Proponent meet with it to reach an agreement on what number of local workers will be employed, and trained as necessary, with that commitment locked in with the EPC contractor.

6. Construction Workforce Accommodation

The EIS suggests that 70% of the construction workforce, equating to 560 people, would be from outside the area and they may be accommodated in local towns and even Dubbo. The EIS suggests 80 workers could be accommodated at Dunedoo. Or, on the other hand, the EIS muses they may be housed in the accommodation camp planned by the proposed Valley of the Winds Project.

Again, as per the commentary regarding employment of locals, there is no clear enunciation on how and where non-local workers will be accommodated, nor how this will relate to the accommodation needs associated with the other 25 renewable energy projects across the REZ. The EIS goes on to state that the REZ-related cumulative population of non-local workers could be in the order of 4,000 people, equivalent to a 15.7% increase in the total population of Mid-Western LGA.

The EIS states that in Mid-Western Regional LGA there are approximately 3,200 rooms of short-stay accommodation available and a much smaller number of rooms in the Warrumbungle LGA. Rooms have an average occupancy rate of over 80% (SIA field study).

The EIS goes on to state that, “assuming the majority of workforces associated with other projects that overlap with the project will be sourced from outside the regional area, then the projected cumulative demand for short-term accommodation and rental accommodation in the regional area will be **extreme** and supplementary accommodation eg temporary workforce accommodation village would need to be provided”.

“Extreme” is a most appropriate term to describe the situation. Until the Proponent and the NSW Government provide clarity on this key topic, Council is not in a position to make an informed judgement on the merits of the Project, therefore has no option but to object to the proposal on this matter alone.

7. Economic Assessment

It would appear the EIS limits statements on the economic impacts of the project to generalised commentary covering six lines on page 207, without a specialist economic analysis as an appendix. Council finds this surprising, believing the economic benefits and costs warrants more detailed analysis. Also, there is no mention in the EIS of the Capital Investment Value which seems an oversight (was found using other sources).

8. Waste Management

The EIS lists the likely waste streams as:

- paper/cardboard (packaging used for the PV modules and tracker components – say several thousand kilograms per week during peak delivery periods);
- wooden pallets (say 1,000–2,000 units per week during peak delivery periods);
- plus plastics, green waste, soil, electrical, metals, liquid, sewage, MSW and batteries.

There is no clear enunciation as to how and where waste will be managed. Again, this is a cumulative impact issue across the REZ that requires a definitive plan before Council can make a judgement on the adequacy of waste management arrangements.

9. Bushfire Management

Council notes the Proponent plans to install a 50–80kL steel tank to store water for use by the RFS in emergency situations. Council also requires the Proposal to retain appropriate firefighting equipment on-site to the written satisfaction of the local RFS.

10. Biodiversity

A small, vegetated area in the road corridor of Barneys Reef Road, which is proposed to be cleared to allow road upgrading for project access, is identified as ‘biodiversity’ on terrestrial biodiversity mapping under the Warrumbungle LEP. Council seeks to have any biodiversity loss to be appropriately offset.

11. Water Management

The proponent estimates 218 ML of water will be required for construction purposes. This stated demand suggests approximately 25,000 heavy vehicle watercart movements. Council requests the total heavy vehicle movements for the whole project be re-calculated as it appears they have been underestimated.

It is noted the Proponent plans to obtain such supplies from commercial suppliers of treated wastewater or farm dams within the study area in accordance with the harvestable rights provisions.

12. European Heritage Site

Please note there is an historic rural dwelling called Birriwa Homestead (and private cemetery) located 2.6 kms from the project site at 3894 Castlereagh Highway, Dunedoo. The outbuildings were built in the mid-1800s with the homestead erected in 1907 and sensitively renovated in 2015. The property has links to explorer William Lawson.

Please see Council's LEP 2013 and its Community Based Heritage Strategy 2019 for relevant information.

If you have any queries regarding the abovementioned matters, please don't hesitate to contact the undersigned.

Yours sincerely

A handwritten signature in black ink, consisting of the letters 'R' and 'B' intertwined, followed by a large, horizontal oval shape.

**ROGER BAILEY
GENERAL MANAGER
WARRUMBUNGLE SHIRE COUNCIL**