



Walcha Council Ordinary Meeting Wednesday, 27 October 2021

Item 6.2 – Draft Amendment to Walcha Development Control Plan 2019 – Attachment – 2

Attachments:

1. Submission - King
2. Submission - Berry
3. Submission – McDonald
4. Submission – ReD4NE

To Barry Omsundson, General Manager.

Comment on Draft Amendment to the Walcha Development Control Plan 2019

I wish to advise Council that I support the proposed new changes in the Walcha Council Development Control Plan 2019, particularly in respect of Chapter 14.1 to 14.7.

In addition, I would like to assume that any future development proposals will take into consideration this proposed amended plan.

If you wish to discuss the contents of this letter, please contact me on 0447 772 000.

Kind Regards

Peter King
Director/ Owner
Walcha Vet Supplies

[REDACTED]

From: Mark Berry [REDACTED]
Sent: Tuesday, 5 October 2021 9:09 PM
To: Council General Walcha; Eric Noakes
Subject: DCP

General Manager

Congratulations on your DCP about Wind Power Generation.

I am supportive of your plan.

Could you include ;

Solar Farms under the same plan.

That any Wind or Solar developments will not damage, impede or use any ground water for construction and dust suppression.

That any land used for quarrying must be approved by the EPA.

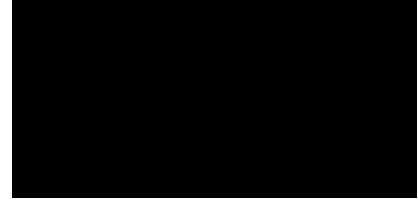
Regards

Mark Berry

Walcha Grazier

IAN
McDONALD

ABN 86 490 600 920



6th October 2021

Mr Barry Omundson
The General Manager
Walcha Council
PO Box 2
Walcha NSW 2354

Dear Sir,

Re: Draft Amendment to the Walcha Development Control Plan 2019

I am not all anti-renewable energy, but I truly do believe that Walcha is the wrong location for Wind Farms of this proportion and that, what is proposed is most certainly unbalanced and unsustainable

I have reviewed the Draft DCP 2019 amendments that include wind power generation and I wish to comment on that plan as follows.

1. Groundwater

As a conservationist at heart and in practice, of grave concern to me is the environmental impact the huge mass concrete foundations required to support each wind tower must have on groundwater (bore water), which should not be disrupted in any way whatsoever.

Walcha as many other rural districts has recently experienced one of the worst droughts on record. Without a reliable source of groundwater, many graziers would have been doomed. Any damage to these vital reserves will be irreversible and render future generations at the mercy of drought.

Although Council already acknowledges the importance of Natural Water Systems – Clause 1.10 in its DCP, it does not adequately address groundwater (bore water). I believe extensive drilling, testing and reporting should be a requirement to the site and immediate area surrounding each wind tower in order to ensure that no damage, degradation or disruption occurs to any aquifer. And that groundwater should be specifically mentioned under the sub heading 'Natural Water Systems' and to include far more detail under 14.6 b)iii.

2. Decommissioning Bonds

The construction of the proposed wind farms has the potential to turn prime agricultural land into an industrial wasteland littered with gigantic derelict towers that have passed their 'use by date (25 years)'

This could very well be the scenario unless Council imposes substantial cash bonds on developers prior to granting construction approval, in an amount sufficient to cover the cost of fully dismantling each tower and removing all waste from site, which I am told is currently in the vicinity of \$750,000.

3. Section 94 Contributions (s94)

Given the extraordinary scale of these Wind Farm proposals and the inherent risks that may befall Council and the community, I feel Council is somewhat obligated and has a very good window of opportunity to carry out a thorough review of its options under Section 94 (s94) of the EP & A Act, as a measure to protect Councils' long term viability and or its very existence.

4. Infrastructure

If the construction of these wind farms proceed in the proportions advocated, there will be a significant impact on roads, flow of traffic, water supply, sewerage and waste facilities. On my reading of the DCP, I fear that these issues have not been adequately addressed. Council may care to review these very important matters and impose substantial Section 94 Contributions and provision for cash bonding on developers in the DCP, that must be paid before granting construction approval. Although a provision has been made for roads - water, sewage and waste management have not been mentioned.

5. Winterbourne Wind Farm

I acknowledge that Council has given consideration to ridgelines, however there has been no mention of the sensitive Gorge Country. This proposed Wind Farm borders the western rim of the Oxley Wild Rivers National Park where a large population of Wedge Tailed Eagles soar. These iconic birds are unfortunately prone to being killed by the turbine blades. Eagles are not the only fauna that enjoy the sanctuary of the park. A multitude of other animals will also be adversely affected by the high noise levels created by the turbine blades.

Turbines also have a history of catching fire, which could quickly spread into the Gorge, further impacting on Wildlife in the park. This scenario is a real one, given that fire fighting aircraft are very wary of fighting fires near a Wind Farm, due to the high turbulence created by the turbine blades. This also has implications with respect to emergency aircraft and commercial aerial applicators.

In order to mitigate these hazards, I have been told by a number of graziers who have properties bordering the Gorge, that these turbines should not be built within a 'bulls roar' of the rim.

Before any further planning applications are considered, may I suggest that Council commission a scientific study by an independent expert to report (I believe reports previously

furnished by developers were prepared during the last drought and as such are understated) on what impact these turbines will have on the native fauna living in the park.

6. Recreation

The Gorge Country is a popular destination for bushwalkers and campers, many of whom come from urban environments to escape the hustle and bustle of the built environment. The visual impact and the noise generated from these turbines will surely deprive visitors and locals alike of the serenity the Gorge Country presently provides.

This is one further reason why these towers should not be constructed anywhere near the rim of the Gorge.

7. High Voltage Power Lines

This of course is another contentious issue and I suspect they will be criss-crossing the New England connecting all the Wind and Solar Farms to the grid. I take it that Council has very little control in this matter, however the more Wind Turbines Council approves, the more unsightly high voltage power lines there will be further defacing our rural landscape.

8. Legal Costs

Hopefully Council is prepared for significant litigation and court time. I think that any determination will probably be challenged given the unprecedented sums of money being tossed into the ring by the Wind Farm backers.

Ideally, Council's best chance of mitigating legal costs is to have a very tight DCP and a bullet proof LEP.

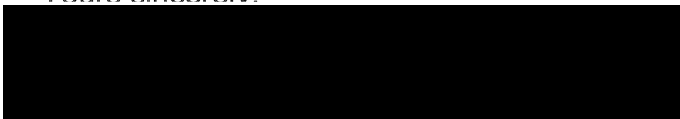
The draft amendments to the DCP need to be expanded to address local issues in more detail, as I have outlined in my submission.

I understand that a DCP is intended as a guideline to applicants and is not legally binding, whereas an LEP is legally binding. Therefore I trust that Council is also working on its LEP in consultation with the NSW Government Department of Planning, I do however acknowledge Council's limitations in this regard.

Conclusion

Walcha is a wonderful rural community that is graced with beautiful natural assets that we and visitors love - it would be such a shame to have it one day finish up looking like Port Botany.

Yours sincerely,



Ian McDonald

Cc: Hon. Barnaby Joyce, Hon. Kevin Anderson, Mayor Eric Noakes, Mark Berry, Matt Macarthur Onslow.



Dear Mayor Eric

Re Draft - Walcha Development Control Plan

Overview

ReD4NE is pleased to offer comment on the draft Walcha Council Development Control Plan (Draft DCP) . The focus of our comments is in relation to **'Chapter 14 Wind Power Generation'**. Walcha's is facing significant wind developer interest -potentially 1800 MW of 250-280m high wind turbines - potentially 200-300 klms of high voltage transmission at an approximate investment value of \$3.8-4b . Substantial infrastructure that will change the Walcha and surrounding landscape -a significant legacy for generations to come. The DCP is a crucial element in how the Council manages on behalf of Community their development interests and ambitions. The DCP should in practice carry substantial weight in terms of informing the planning consent pathway particularly on State Significant projects. It is the central platform from which to communicate a response to a SEAR¹. We appreciate that is the Council's ambition.

Red4NE commentary hereunder focuses beyond the traditional ESD merit assessments which are the centre piece of the development process. It is designed to ensure Walcha Council's views are not discounted in a largely 'tick the box' city centric planning regime. The REZ Communities in NSW are doing the heavy lifting on hosting significant infrastructure -which needs to be strategically accommodated in keeping with the ESD needs and interests of the whole community.

The DCP -Drafting Suggestions

Chapters 14. 1, 14.2 14.3 and 14.4 – Red4NE notes this chapter is directed just at wind power -which we appreciate is here and now in the transition cycle. We wonder if it might prudent to contemplate all concepts of renewable energy development -Wind, Solar, Biomass, Hydro, Pump Storage (PHES) , Battery Energy Storage Systems (BESS) ,Transmission and Distribution and Distributed Energy Resources (DER) rooftop solar etc.

The DCP -Objectives

ReD4NE would welcome over-arching themes which message a planning vision beyond just the planning instruments. Some important contextual statements for example *"-Walcha Council's commitment to lead on best practice Local Environment Planning (LEP) on renewable energy deployment'*. This is the sort of leadership which is currently missing in NSW in the important LGA environment. LGA's within Australia's three tiers of Government are the closest to the communities. Walcha Council could set the tempo for the importance of progressive DCPs . This prudent Local Governance as the Walcha area will engage on some 466 x 250M wind turbines -10 million solar panels planned for the area within a 70klm radius of Walcha.

¹ Secretary of the Environment's Assessment Requirements.

As you appreciate ReD4NE advocate that the energy transition should be about **responsible development** – to assist in that objective -it has developed *core protocols* which are attached hereunder. We believe these are very much in the interests of the community and the landowners which are of course also the Councils key stakeholders;

- We would encourage the Walcha Council to contemplate these *protocols* as the underlying themes which encourage and support to the creation of social licence.
- We believe that respect for the *protocols* will encourage a more just and inclusive transition environment and will mitigate against what otherwise would present as a ‘city centric’ development agenda.

ReD4NE is concerned about a number of key issues ,which might be included in **14.4 DCP Objectives** as set out hereunder

- Facilitation with the Community on key strategic land use planning. Obvious questions addressed in other modern energy transitions. What generation and transmission goes where and when? How might this infrastructure address compatibility issues for example between large scale solar and agriculture? -where are the much-promised consolidations of strategic agricultural land use policies ? How might this infrastructure mitigate in favour rather than against regional tourism and respect for traditional owners and their heritage of the land?
- How might development infrastructure synergise with, rather than damage the region’s natural environment, biodiversity conservation; catchment hydrology and management; water quality; and minimization and management of bushfire risk?
- How do we promote for more ethical -less ‘cowboy’ engagement from developers which promotes respect for full transparency to the Community in terms of project economics, overall life of the project bankability and genuine legacy benefit sharing?
- How do we ensure engagement which introduces more scientific certainty with both regulatory and cost liability for ‘end of project life’ considerations such as decommissioning, remediation and securisation of a project through the payment of performance bonds?
- How might the pursuit of independent research be encouraged, with which to clarify potential adverse impacts of oversized development including development practices which minimise cumulative impacts from over development upon the landscape?

Chapter 14.5 Development Applications

In in terms of State Significant Developments declared pursuant to Environmental Planning and Assessment Act 1979 and associated SEPP 2011 ReD4NE would like to see **less reliance** on outdated dated Development Guidelines. Most of those quoted are less than best practice and are often devoid of the requisite social licence necessary to manage this energy decentralisation.

In terms of the key energy planning messages emulating from a DCP planning ;

- Project Design being influenced by prevailing *land use guidelines* and LEP prescriptions
- Project Design which respects the Communities interest in upfront, open and transparent disclosure on '*broad and targeted*' site selection and scoping by respective developers
- Project Design which promotes for early and ongoing community consultation
- Project Design which respects best practice on *protecting visual amenity* and *mitigating cumulative impact*.
- Project Design which accommodates **best practice development** on merit assessment conditions on - *Soil Erosion and Hydrology Management, Biodiversity ,Noise abatement, Project Setback, Decommissioning Plans and Bush fire mitigation*.
- Project Design which *maximises regional economic activity and job creation* in a tangible way.

All of these design requirements should translate into measurable merit assessment on the State Significant Project planning approval pathway.

Development Condition	Consent Condition	Comment
<p>Introduce into the planning pathway increased early Developer Interest and Disclosure</p> <p>1. Prefeasibility -<i>broad prospecting</i> interest</p> <p>2. Feasibility -<i>narrow prospecting</i> Assessment</p>	<p>Merit Assessment</p> <p>Early Transparency</p> <p>1. Developer Disclosure - Was the <i>broad</i> Developer Interest communicated publicly by the Developer -via the Council's website</p> <p>2. Developer Disclosure Where the Project interest narrows on a more specific development interest and engineering and financial feasibility is being undertaken. Transparency and clarity as to ;</p> <p>a) Who the Developer is or who they represent;</p> <p>b) Development credentials -both engineering and financial</p> <p>c) Development timelines</p> <p>d) Commitment to as to Walcha Shire Community Consultation Protocols</p> <p>e) Commitment as to the Walcha Community participation and benefit sharing model.</p>	<p>This condition goes to merit and its particularly relevant to Walcha Shire . The Community need to be made aware of developer Interests. The Community doesn't want to know second hand about deals and non-compete and confidentiality handcuffs.</p>

<p>Project Scoping and SEAR Introduce into the Planning Pathway the need for Developers to disclose through public exhibition in media SSD and SSI -Project Scoping Reports and associated application for SEAR</p>	<p>Merit Assessment -Transparency The Developers places on exhibition, in media and through the Council's Website the Scoping Report , the application for a SEAR . The exhibition confirms compliance with the new guidelines on Rapid Assessment Framework.</p>	<p>The DCP should require additional transparency as to the Developers intention to seek SEAR . The Scoping Report should be upgraded in terms of project description and sufficient enough for the SEAR to be specific as the project scope.</p>
<p>Community Consultation Introduce into the Planning Assessment Pathway -the need to table Walcha Shire Community Consultation Plan . This builds on the Planning Act and Regulation requirements and the new guidelines as the Rapid Assessment Framework</p>	<p>Merit Assessment Meaningful Engagement as to; 1. Content 2. Inclusion 3. Time and mode of consultation 4. Effectiveness ;and 5. Acceptance</p>	<p>The DCP should confirm the community's participation objectives 1. Identification of impacted groups 2. Identification of inclusion pathways</p>
<p>Noise Noise assessment and monitoring The quiet amenity is a reason many people choose to live in rural locations.</p>	<p>Merit Assessment and modelling to determine background noise as determinant to assess acceptable levels of noise. 35dBa by the S.A. standard. 2021 Bulletins are being released by NSW planning and should be the basis of new standards. -Construction noise -Operational noise -EPA role</p>	<p>Pre initial checks are important to understanding that the rural amenity is naturally very low. 25dB(A) for 60% of the time 35dB(A) for 40% of the time. -Noise, Infrasound and Vibration(pressure wave) are to be recognised modelled, measured and managed for volume and tonality separately Any development from \$1m to \$30m turbine development will pay for an independent acoustician's-independent noise assessment and mandated by a second independent study so the community can have confidence. Modelling is conducted by a fully funded, but independent acoustician of the community's choice. (REAP) -acoustician will provide a complete, transparent summary of monitoring assessment based on the type and model proposed. -Post construction verification assessment. Operational monitoring to be conducted by any REAP of the community's choice to validate against the predicted outcomes. - a periodic verification assessment is required for the lifetime of the project</p>

		-reporting required on remedial actions taken, together with outcome. Validated by community. -Provision for a schedule of audits to address ongoing compliance and manage unanticipated impacts or oversights.
Wind Turbine Setbacks		
From Public Road	Investigate routes Road upgrades Bond against potential damage Internal roads – adequacy checked but privately build and funded Cessation of road access at the end of project. Note 4x height of turbine to blade tip from a public road.	Weight limit water affected roads to minimise excess damage. Dilapidation reporting is not adequate in all weather conditions i.e. drought fails to fully reveal structural damage. Manage rural roads with load timetabling around local residents' and school bus transit requirements.
From Neighbouring Residence	Residence or potential 15x blade tip height or 2 km Screening Cumulative impact Sensitivity to blade glint, sun and moon shadow flicker,	Determined for a level of 90% noise impact to be sufficiently tolerable for 90% of the time:- - turbine to blade tip height of 150m –distance 6km - turbine to blade tip height of 250m-distance 10km -Deciduous vegetation and new plantings are inappropriate. Mature vegetation – life span -Cumulative axis – restricted to single axis impact -Include red light strobe effect
From property boundaries	Not 8 x height of turbine to blade tip from a property boundary	2km from boundary fence (8x turbine height to blade tip – consider safety of boundary securitisation (insufficient research into grazing and fertility impacts
Cumulative Impact Assessment Introduce into the planning pathway a more prescriptive development requirement 1. Project Design to include more acceptable standards for cumulative impact -including compounding effects of all developments including transmission. 2. Project Design to include the Communities interpretation of what over development includes	Merit – Assessment Documented Cumulative Impact Assessment Report including consideration of the NSW Strategic Planning Assessment as prescribed in the Rapid Assessment Framework	It is critically important given the amount of major wind farm development proposed for Walcha that The DCP should introduce real and tangible elements to designing and evaluating cumulative impacts . The Council on behalf of the community must take the lead on this aspect of any development.

<p>Economic Opportunity -Local Employment Content</p>	<p>Merit Assessment Robustness of developer’s local employment plans and processes</p>	<p>Developers tend to pay lip service to the engagement of local resources. Employment of local skill sets needs to be demonstrably exhausted before FIFO deployed</p>
<p>Participation and Benefit Sharing</p>	<p>Merit Assessment -Robust assessment as to how benefit sharing impacts the whole community -Robust assessment of the legacy ambitions for whole community.</p>	<p>Council should be pivotal in securing the best deal not just VPA on behalf of the communities and they should embrace large scale legacy benefits</p>
<p>Decommissioning Planning Introduce into planning pathway more equitable and more certain associated with decommissioning wind farms</p> <ol style="list-style-type: none"> 1. Project Design to include a clearly articulated Sustainable Decommissioning Plan- consistent with the DCP and other LEP requirements. 2. Project Design to confirm that the Sustainable Decommissioning Plan is consistent with the ReD4NE Responsible Decommissioning Guidelines ², that the Sustainable Decommissioning Plan has been subject of engagement with the Host Landowner and the Community 3. Sustainable Decommissioning Plan has been published and included in the Scoping Report as a SEAR assessment. 4. Require Decommissioning - requires -Full Restoration as a Greenfield Site -including below ground - Agreement to secure 3rd Party -Reclamation Cost Estimate - Upfront payment of a Decommissioning Surety Bond - Upfront payment of a Landfill Bond 	<p>Merit - Assessment of project design documentation evidenced in the Public Exhibition, Scoping Report. SEAR and EIS</p> <p>Compliance Assessment -as to</p> <ol style="list-style-type: none"> 1. Commitment to engage 3rd Party Reclamation Cost Estimate 2. Payment of a nominated -Decommissioning Surety Bond -Landfill Bond 	<p>With the economics of wind farm development becoming increasingly tight and multiple asset transfers becoming common practice -it’s becoming increasingly prudent local governance to ensure that Communities are not left stranded with decommissioning responsibilities . These can run into hundreds of millions of dollars. Host landowners can be left with unsaleable assets. Commitment is increasingly being upgraded to require payment into a bond facility . As suggested, this could be to cover both actual decommissioning and landfill costs. Project Developers should be required to contribute or in the case of NSW Government LTESA ³the NSW Government should underwrite -perhaps through Treasury Bonds etc</p> <p>Estimating the costs associated with these Bond payments could be arbitrated to a 3rd Party Reclamation Cost Estimator/Waste Broker . On today’s resources cost recovery and commitment to circularity -you might be contemplating on Winterbourne \$750k -\$1m per turbine.</p> <p>It is proposed that the conditions for this development element is prescribed by Walcha Council as is consistent with Vestas’s home jurisdiction Denmark.</p>

² ReD4NE to publish guidelines -Responsible Decommissioning Wind and Solar Projects

³ Long Term Energy Services Agreement -underwriting the offtake.

		It is intended that ReD4NE will illuminate its thinking further on this issue. Responsible Decommissioning Guidelines
Waste Management	<p>Merit Assessment</p> <p>Waste Stream management recognises that both component as well as component packaging require management.</p> <p>Provide plans for End of Life destiny of major componentry</p>	<p>Disposal of waste stream requires segregation of recyclable and non-recyclable components – and treatment planning for each</p> <p>In addition to decommissioning, disposal of components due to natural attrition must be recognised and appropriate planning proposed for disposal prior to components entering within council boundaries.</p>
Pollution Land and River Catchment Management	<p>Merit Assessment</p> <ol style="list-style-type: none"> 1. Pollution Management Plan 2. Downstream Impact Assessment 	<p>Councils under the POEO Act carry liability for pollution management</p> <p>Solar Generation</p>

Thankyou and please feel free to clarify issues

Kind Regards

Mark Berry

Chair ReD4NE