



New South Wales Government
Independent Planning Commission

TRANSCRIPT OF MEETING

RE: HILLS OF GOLD WIND FARM (SSD-9679)

MUSWELLBROOK SHIRE COUNCIL MEETING

PANEL: CLARE SYKES (CHAIR)
JULIET GRANT
DUNCAN MARSHALL AM

OFFICE OF THE IPC: GEOFF KWOK
STEVE BARRY

NAME ATTENDEE: STEVE REYNOLDS
DEREK FINNIGAN
SHARON POPE
KELLIE SCHOLES
THERESA FOLPP

LOCATION: VIA VIDEO CONFERENCE

DATE: 9:30 AM – 10:00 AM
THURSDAY, 18TH JANUARY 2024

TRANSCRIBED BY LAW IN ORDER

<THE MEETING COMMENCED

MS SYKES: Great to see we have the technical side resolved. And I think we can probably get started now. So, good morning and welcome. Before we begin, I would like to acknowledge that I'm speaking to you from Gadigal Land, and I acknowledge the traditional owners of all the country from which we virtually meet today and pay my respects to their elders, past and present. Welcome to the meeting today to discuss the Hills of Gold Wind Farm Case SSD 9679. Currently before the Commission for determination. The Applicant, Hills of Gold Wind Farm Proprietary Limited, a project entity owned by ENGIE Australia and New Zealand, proposes to develop a 390 megawatt wind farm approximately 60km south east of Tamworth, near Nundle, Hanging Rock and Crawny, in the local government areas of Tamworth, Upper Hunter and Liverpool Plains. The proposed project involves the development of up to 64 turbines, up to 230m high, a 100 megawatt battery energy storage system, a 330 kilovolt transmission line connecting to Transgrid's existing transmission network at Wallabadah, and other associated ancillary infrastructure. My name is Clare Sykes. I'm the chair of this Commission panel. I'm joined by my fellow Commissioners, Juliet Grant and Duncan Marshall. We are also joined by Geoff Kwok and Steve Barry from the office of the Independent Planning Commission. So in the interest of openness and transparency, and to ensure the full capture of information, today's meeting is being recorded and a complete transcript will be produced and made available on the Commission's website.

This meeting is one part of the Commission's consideration of this matter, and will form one of several sources of information upon which the Commission will base its determination. It is important for the Commissioners to ask questions of attendees and to clarify issues whenever it is considered appropriate. If you are asked a question and not in a position to answer, please feel free to take the question on notice and provide any additional information in writing, which we will also place on our website. So I request all members here today introduce themselves before speaking for the first time, and for all members to ensure they do not speak over the top of each other, just to ensure the accuracy of the transcript. So we will now begin. And you were sent an agenda, we prepared agenda in advance of the meeting. So I think we'll get started on that. And the first part is introductions. So could I please ask each member joining from council to please introduce yourself and if applicable, provide a verbal declaration of any actual or potential personal interests that you may have in the project. So thank you.

MR REYNOLDS: Thank you, Chair. My name is Steve Reynolds, Mayor of Muswellbrook Shire Council. No, nothing to declare there. So, move around the room.

MS SCHOLES: Hello everybody. My name is Kellie Scholes. I'm the Manager of Roads, Drainage and Technical Services here at Council. And largely our team, manages the road network throughout our shire. And I declare that I have no interests, with this particular development.

MS POPE: Hello. My name is Sharon Pope. I'm the Director of Environment and Planning at Muswellbrook Shire Council. I have no interests that I need to declare.

5 **MR FINNIGAN:** Good morning. My name is Derek Finnigan, the General Manager at Muswellbrook Shire Council, and I have nothing to declare in relation to this matter.

10 **MS FOLPP:** Good morning. My name is Theresa Folpp. My role is Development Compliance Officer, and I have nothing to declare either.

15 **MS SYKES:** Okay. Well thanks very much everybody. And so I think we'll just move through the agenda. We've got listed on the agenda, the key issues mainly traffic and transport as well as other matters, and just wish to now hand over to to you at Muswellbrook Shire Council to, if you had any statements or wish to make any presentation as part of this meeting.

20 **MR REYNOLDS:** Thank you Chair. It's Steve Reynolds, Mayor of Muswellbrook. And we appreciate the opportunity to provide a submission and have this opportunity to speak to you in the Committee. Muswellbrook Shire Council, we've met on numerous occasions in relation to these wind farms and have held a position with regards to the SSDs on the route taken from the west of our shire, that we don't support the utilisation of the roads network out there, which there are various issues that council staff will speak to on that, and primarily around the dilapidation, the
25 unfit, not fit for purpose route and also the primarily the safety of the road users of our shire out in that direction. We have in this instance objected, as I've said to this proposal, purely, on the previous statement in relation to the number of movements and the Western Road corridor that was required to be used, among other things. So I will allow staff to to take through and go through the technical aspects. That has been
30 council's position. There are a number of issues that the guys have outlined, that our staff have outlined, that we'll take forefront.

35 **MS POPE:** So this is Sharon Pope speaking. Council's submissions and considerations are not related just to this application. We became aware early, probably 2020, that there would be multiple wind farms, solar farms and battery storage facilities built or constructed in the New England area. And then subsequently, we found out about the Central-West Orana region as well. And that many of these projects will have oversize overmass vehicles that are unable to use the state road network because the state road network has structures on it that limit
40 certain heights and weights of vehicles using them. And that the only alternative, unfortunately, between the Port of Newcastle and those two renewable energy zones is to use the roads in Muswellbrook Shire Council, local roads. So from our perspective, this is about a cumulative problem, not simply just this one application. We would have a road network used by multiple proponents. It would be very hard
45 for council to identify who has caused damage to our roads. It would impose a huge impact on our resources to try and manage all these movements in a safe manner and

ensure that the road is being left in a safe condition for the rest of the community. It will cause problems for our community because there will be delays at all of the intersections along the route when long vehicles are coming through and they need time to manoeuvre around corners. And ultimately there is no economic benefit for our council. There's no employment for our community. There's no money spent in our community. So our ratepayers are being expected to wear the risks and not have any economic benefit from wearing those risks. We had raised this with Department of Planning and Transport for New South Wales and Energy Co since back in 2021, and most recently at the end of last year. Energy Co and Transport for New South Wales have now approached our council about coming up with a strategic solution for the use of these local roads and that is council's preference, that there is a strategic solution, and that we're not dealing with individual wind farm applications in isolation or in an, on an ad hoc basis. But because that approach has only been made late last year, we do feel it's a bit too early to be really considering this application and coming up with appropriate conditions of consent. We will be putting a written submission in which identifies some possible alternative conditions that could go in. And primarily we feel that the road upgrades from the Port of Newcastle to Willow Tree should be done by Transport for New South Wales or the relevant road authorities, and that no wind farm proponents should be moving OSOM over our local roads until those road upgrades are done. And that would give us time to have this negotiation process with Transport for New South Wales.

MS SYKES: Thank you Sharon. Just while we, I just thought, could you just clarify that one point that you made, that the preference is the state road network, but there's two particular structures that are preventing that from occurring. Could you just specify what those structures are and where they're located?

MS SCHOLES: Yes. Hello. My name is Kellie Scholes and I'm the Manager of Roads, Drainage and Technical Services here at Council, so I'm happy to speak more specifically to the restrictions on the state roads and also the issues that we foresee with our local roads that have been nominated to, request for use. At the moment, the major restrictions on the state roads are - there's a bridge on the Golden Highway crossing the Hunter River, it is known as the Denman Bridge. It is currently a truss structure which limits, oversize overmass in terms of height and width. So often that any movements headed to the west, will be restricted by that. And they will be requesting to use our local roads, which one of them is called Wybong Road. And in terms of going north, which is more impacting this development, Muswellbrook, I would describe it as a bottleneck. The New England Highway, which is the main federal highway going through town, has a major restriction, where the northern rail, the rail lines go across the highway. We call that the underpass. So there's a low rail bridge crossing the highway. And so therefore in width and height that restricts movements. So, we have around town, it's called a high vehicle bypass. So our local roads consisting of Bell Street, Victoria Street, Market Street, the alternate route to avoid that restriction on the New England Highway. And can I say that route isn't an ideal route either. It goes past a school, the Muswellbrook High School, and the major pedestrian crossing for those children going to and from school. It also snakes

around down through residential area and through our major interchange - bus interchange - where school children meet there to get the buses from their country. Buses that come in from town, they might exchange and get on another bus to get to their school. So it's also not a preferred route for our community. But would you like
5 to know a little bit more about Wybong Road and the other restrictions on the local roads that they're requesting to use?

MS SYKES: Yes, yes. Thank you.

10 **MS SCHOLES:** I'm happy to just give you a bit of an insight into that as well. So, we have three roads, main roads, that they've requested to use. One is Bengalla Link Road. Then the other one is Wybong Road East and then Kayuga Road. Now principally, our main concerns are around, Wybong Road East and Kayuga Road.
15 These roads are what we would class as standard rural roads. They've not been built for the purpose of taking oversize overmass, let alone heavy vehicles. So they would, parts of the road are described as narrow. No shoulders. There is no ability for vehicles, to pass an oversize, because there is no shoulder for them to be - safely, to get off the road basically. Currently that section of Wybong Road does have a load limit on it. It's a 12 tonne load limit. For reasons, because we have substandard
20 structures on there as well. Some of the drainage structures have been assessed as not competent to take oversize overmass loads. And the route covering Bengalla Link road has been upgraded to what we would call our mine affected road standard because it currently is servicing other state significant developments for the mining industry. However in that I just want to raise the fact of safety. We are really
25 concerned about the numbers of movements, when the movements will occur and how that will impact the safety of our community and the existing users of the road. For instance, those roads are used by the school bus and currently any permits that we issue for oversize overmass or heavy vehicle use, we condition that they're not to move within school bus hours, to mitigate any risk of an accident with the school
30 bus. In addition to that, as I pointed out, the route is used by other state significant developments and mainly the mining industry. We already recognise there's fatigue management issues with that industry. They work long shifts and they work in amongst themselves to have staggered starting and ending times to try to control and manage the congestion on the road and limit issues with people not being able to get
35 to work on their scheduled times. So adding other movements to the road, which may, as Sharon indicated initially, there may be hold ups due to turning movements at intersections with the wind blades and long, long loads. We are concerned about how that will be managed in a satisfactory way. And we are concerned about how it will be managed in a safe way, considering the other users and the purposes of the
40 uses for those roads.

(Indistinct)

45 **MS SCHOLES:** Yes. We have had a past number of fatalities on our -
The intersection?

MS SCHOLES: Yeah. On the roads that they've requested to use. One was due to impacts with an oversize and a light vehicle. And there are a number of coroner's recommendations which came out of that, requesting additional numbers of escorts with those vehicles. So they, something we stipulate, and condition into our oversize permits. But that needs to also be acknowledged I think that - and that comes back also to the other users of the road. How are we going to manage if we get other requests for oversize? And how are those safety issues of vehicles either parking up, because they cannot pass, too oversize, obviously cannot pass if you've got - even if you got upgraded road widths and substantial road shoulders, there has to be parking bays to facilitate safe movement for other oversize or other heavy vehicle movements that may get requested, or on those routes. So yes, we've got some concerns because when the development is requesting to use local roads, currently anything of that nature in its current condition, the roads condition, would not get a permit for an oversize permit because the roads are simply not safe to use and they're not adequately constructed to support those movements. So in the current situation, council would be not approving any permits for those type of movements on those selected roads.

MR MARSHALL: Can I just jump in and ask a question, if I may? So in earlier comments, you were reflecting on that there are multiple projects in your shire which are using roads and causing concerns, and you're worried about cumulative impacts. Based on what you're saying, and I guess the couple of roads that are a particular concern with regard to this particular project. From what I'm understanding, are you saying is that the cumulative impacts are not because of, oversize overmass vehicle movements on those roads from other projects, but rather light vehicle usage of those roads and overlapping with oversize overmass vehicles relating to the Hills of Gold Wind Farm project. Is that an accurate understanding?

MS SCHOLES: I believe it's both.

MR REYNOLDS: It's both.

MS POPE: Yeah. It's both.

MS SCHOLES: It's both Duncan. So currently, there would be high usage on Bengalla Link Road by light vehicles, using service vehicles, staff, employees going to mining developments and coal mines, that use that route. And as I said, they have long hours and strict starting and ending times. But there's also, the concern about meeting other oversize or other heavy vehicles on that road.

MR REYNOLDS: If I may, Mr. Marshall, just in relation to that - the Bengalla Link Road, whilst it's not ideal, it is in a better condition. We're talking multiple roads here. The other roads, the Wybong Road side of things. It's not a fit for purpose road. The mine has done upgrades and the council has done upgrades with the Bengalla Link Road, which is the one that we're speaking about that has multiple oversize

overmass and light vehicles. But the other, arterial route that they're talking about with the back western side of Muswellbrook, they're not fit for purpose, they're country roads.

5 **MR MARSHALL:** Right.

MR REYNOLDS: That's right, the mining (indistinct) done any upgrades to that.

10 **MR MARSHALL:** So depending on the road, we may get light vehicles from other projects and oversize overmass from Hills of Gold Wind Farm. But with other roads, there's a potential for oversize overmass from a range of projects.

15 **MS FOLPP:** Correct. And Mr. Marshall it's to Theresa Folpp. So it's also the cumulative impact of the New England REZ. So you've got Thunderbolt Wind Farm proposing the use of these roads and a number of other projects that are using that same route.

20 **MS POPE:** And may I add, Sharon here. The cumulative impact is damage to the road and our difficulty in trying to apportion who's causing the damage, which is why we've started down the path of a discussion with Transport for New South Wales about whether the road should be reclassified, so that the risk of damage is borne by the State Government, and that they work out some way of funding the repairs to that road, be that a contribution from the various wind farms. But Council just doesn't have the mechanisms to do that where the State Government does.

25 **MR MARSHALL:** I wonder if you've kind of mapped out the overlap, if you like, between the particularly heavy vehicle movements in particular, from various projects on these roads, within whatever timeframe, has that kind of work been done?

30 **MS FOLPP:** Yeah. Theresa Folpp here. So just accessing the Renewable Energy Zone. So they've, majority of the projects sort of, are proposed for, you know, by 2030. Well, the EIS's that I've counted, there's up to 600 movements of blades between now and then for those wind farms that have - and so, yeah, that's not including the solar farm. So for the wind farms that have EIS's or scoping documents available, there's up to 600 turbine movements. So that doesn't include the other project components. And that's to access just the New England. And I think there's about 1200 movements out west.

40 **MR MARSHALL:** And I guess there might be a time dimension to that as well. So some may overlap, but some may not overlap in that way.

MS FOLPP: Yeah, correct. And we don't really understand that -

45 **MR FINNIGAN:** I had one last question at the moment, and that's - you've talked about the strategic approach, which is being considered by Energy Co and Transport

for New South Wales and yourselves. I just wonder what the timeframe for that is, if that's known at the moment?

5 **MS POPE:** Sharon here. We're about to commence discussions. We've been told by Transport for New South Wales and Energy Co that ideally they need to have reached an agreement and constructed road upgrades by the end of this year to allow the first of the wind farm construction to occur from early next year. So it's a very ambitious time frame.

10 **MR REYNOLDS:** And they've only just reached out - sorry it's Steve Reynolds - they've only just reach out recently, Mr. Marshall, for us to start those negotiations with Transport for New South Wales.

15 **MR MARSHALL:** So, they're talking about not just working out the strategic approach, but actually doing the upgrades by the end of this year.

MS POPE: Correct.

20 **MS FOLPP:** Correct. And Mr. Marshall, that's mentioned in the assessment report for Hills of Gold (indistinct) references Energy Co undertaking some of those works.

MR MARSHALL: Yeah.

25 **MS SYKES:** And could I clarify on that point. So that was at the beginning of the meeting where you mentioned the study commencing in December 23?

MS POPE: Sharon again, that in December 23 is when Transport for New South Wales formally reached out to us.

30 **MS SYKES:** Okay.

MS POPE: They have been doing some work, in the previous 12 months to assess some of the assets along the route from the Port of Newcastle to the two REZs, to help them understand the extent of the issue they're facing.

35 **MS SYKES:** Okay. And that's both REZs?

MS POPE: That's correct. Yes.

40 **MS SYKES:** Okay.

45 **MS GRANT:** Sharon, can I just clarify with you - you mentioned that, counsel doesn't have the mechanisms to levy for addressing damage to roads. Where do you see the options that could play out? Do you have access to road haulage charges or would it rely on a VPA? What are the various mechanisms that that might be able to be applied?

MS POPE: So I will answer a little bit and then probably Kellie. Part of the problem we have is legally who you would apportion the responsibility of the dilapidation of the road to if there's multiple wind farms. So it might be well and good that we say
5 we'll do a dilapidation report every three months, and the roads deteriorated. But how do we get the money from the different companies, particularly if one month one is sending a lot of blades down the road and another month a different one is. Yeah. So I can't even see how we might do that by VPA. We did push back to this proponent and say "well look, it'll be \$1,000 per movement every time you want to use our
10 roads" as a way of trying to cover some of that risk. And there is a bit of a precedent there where we have an agreement with Mount Arthur coal mine, where they use our roads and they pay \$1,000 every time they use one of our roads. But I'm not sure under the heavy vehicle road. network agreement if there's anything. Kellie?

MS SCHOLES: I don't believe there is, but there's always options, I suppose, of using the road act, and entering into a deed of agreement and using the Road act, through our 138 process. But again, that falls back to council to have to come up with those solutions, which are often long term and hard to manage on the ground. It takes staff resources, and we're not getting any contributions from this development
20 to manage that and pay for those staff resources to manage it.

MR FINNIGAN: If I could please cut in. Thanks very much. And also Ms Grant, Derek Finnigan here. We strongly feel that the state government needs to take a strategic approach with this. We've been negotiating and liaising with them for some
25 time, and we're very pleased that we're now coming to the table. But it is all predicated upon these major upgrades being required as a first step. Nothing can occur, really, without these upgrades because of the risk to the community and the fact that the roads simply won't be able to convey these oversize overmass vehicles. And as far as the administration, as Ms Scholes and Ms Pope have mentioned, it
30 really is beyond the scope of the small rural council to appropriately and correctly manage this - the complexity, scale and volume of this matter. And so we think that it's an acknowledgement by the state being Transport for New South Wales and also Energy Co, that these matters are beyond the scope of a small rural council like Muswellbrook Council, and that they do have a very strong part to play. And we are
35 very positive about supporting them and providing assistance, but not being the primary lead because we consider it to be an unfair burden.

MS GRANT: Thank you.

MS SYKES: Yeah. Thank you. Thank you very much. And I see we are coming up to time. You know, we can go a few minutes over if there are any more points that we wish to discuss. I would like to just first check that there are any other matters on the agenda we had any other matters for discussion, economic and or other benefits. I just wanted to invite if there were any comments on those points.
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MS SCHOLES: Ms Sykes, it's Kellie Scholes speaking. One other additional matter is to make you aware that private, some of these routes will require permission over private land. A couple of the intersections, the swept paths that'll need to be constructed to allow the blade movements, will go over private land, and the additional length of the route being Stair Street back to the New England Highway, is also over private land. So I just wanted to raise that fact again because Council, as the Roads Authority does not have any authority to make any decisions over those sections of the route, and they would have to be, adequately addressed to allow the full route to be, you know, the movement to be taken.

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10 **MS GRANT:** So what's the mechanism to achieve that then? Over the private land.

MR FINNIGAN: (Indistinct) Thanks very much, Ms Grant. Derek Finnigan again. Well, that's a very good point. And our team have been trying to negotiate this for some time. And of course, our advice is that it's really - and the advice from the landholders - is that it is an incredibly onerous task for every single developer to negotiate with the landowner. And so our advice has been to Energy Co and Transport is to consolidate each of the developers into one effort or exercise, so that can be done, so that each new developer has an understanding of what will be required.

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25 **MS POPE:** (Indistinct) So Sharon Pope. The discussions that have been held with those private landowners, they agree with Council. They would prefer a strategic approach coordinated by Transport for New South Wales, so they're only negotiating once and not continuously. And if, I suppose worse comes to worst, Transport for New South Wales has compulsory acquisition powers if they needed to acquire land. I might add the economic benefit I did mention earlier, there is nil economic benefit for this Local Government Area. We don't gain employment opportunities, they're just simply passing through.

30 **MR REYNOLDS:** (Indistinct) It's me Steve Reynolds, you could ask about the solutions. And just sitting here as we speak, the western - by the time the upgrades are done to the western roads that are required - we wouldn't ask that any oversize overmass be put on those roads until those upgrades are done. We are in the timeframe of the bypass, which will be the end solution for everything and the Muswellbrook Shire Council in making sure that bypass takes place and reduces all the risks on us and our safety of our road users.

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40 **MS SYKES:** Okay. Well, thanks very much for all of the points you've raised and for preparing those points for us, it's been certainly very, very helpful. I just wanted to check with the fellow panel members, Duncan or Juliet. Do you have any further questions before we wrap up the meeting?

MS GRANT: Not from me. Thank you.

45 **MR FINNIGAN:** No. Thank you.

MS SYKES: And any further comments from the room?

VARIOUS SPEAKERS: No thank you. Thank you.

5 **MS SYKES:** Well thank you very much for your time this morning and for, again, the effort to prepare the information for us. It's certainly extremely helpful for us. And I'll call the meeting to a close now. Thank you everyone.

<THE MEETING CONCLUDED

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