

25 March 2024

Professor Neal Menzies
Independent Planning Commission (IPC)

Sent by email to: submissions@ipcn.nsw.gov.au, kylie.dorsett@ipcn.nsw.gov.au,
callum.firth@ipcn.nsw.gov.au

Dear Professor Menzies,

Re: Thunderbolt Wind Farm – Applicant Submission for IPC Case SSD-10807896

During the public meeting on 14 March 2024 in relation to the Thunderbolt Wind Farm project (SSD-10807896, the **Project**) several topics were raised by members of the public which Neoen would like to provide a formal response to. These topics were:

1. Impact of the Project on food production and land-use conflict
2. Consultation on landscape impacts of the Project
3. Bushfire (in particular the impact of the Project on aerial firefighting capabilities)
4. Infrasound and its potential impact on the local koala population
5. Potential impact of the Project on the Bells turtle
6. Decommissioning bonds

Our responses to the comments raised are provided in this letter.

Neoen would also like to request the IPC to consider the following its assessment of Thunderbolt Wind Farm:

7. Minor proposed amendments to three DA conditions
8. Continual commitment to community engagement

Responses to topics raised by members of the public

1. Impact of the Project on food production and land-use conflict

Several of the speakers at the IPC public meeting and written submissions have raised the issue that the Project maybe be inconsistent with provisions of the Paris Agreement which identify the importance of protecting food production. Article 2 of the Paris Agreement relevantly states that (emphasis added):

1. *This Agreement, in enhancing the implementation of the Convention, including its objective, aims to strengthen the global response to the threat of climate change, in the context of sustainable development and efforts to eradicate poverty, including by:*

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- (a) Holding the increase in the global average temperature to well below 2 °C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5 °C above pre-industrial levels, recognizing that this would significantly reduce the risks and impacts of climate change;*
 - (b) Increasing the ability to adapt to the adverse impacts of climate change and foster climate resilience and low greenhouse gas emissions development, in a manner that does not threaten food production; and***
 - (c) Making finance flows consistent with a pathway towards low greenhouse gas emissions and climate-resilient development.*
2. *This Agreement will be implemented to reflect equity and the principle of common but differentiated responsibilities and respective capabilities, in the light of different national circumstances.*

Potential conflicts with agricultural production are specifically addressed in the Project's Environmental Impact Statement (EIS) (see, for example, Section 7.2.1 of the EIS which considers the suitability of the site for wind farm development) and the Project's Response to Submissions (for example, Section 5.1.10, which considers the potential health impacts of the Project on livestock, and Section 5.1.14.1 which considers the potential loss of productive land).

Wind farm developments are considered compatible with agricultural land use, particularly grazing enterprises such as those present on the site and in the area around the Project) as they only occupy small areas of the land and do not prevent the continued agricultural land use of the site or adjacent agricultural activities. This agricultural use of the land will continue throughout the construction and operational phase of the Project.

Approximately 215.5 ha of existing agricultural land will be required to host the Project (that is, its Disturbance Footprint), which represents just 3.6% of the Project Area (5,925 ha). No change to the land use associated with the Project is proposed. The Project has been designed in close consultation with the host landowners to reduce land use conflict. Whilst there will be minor disruption during the construction phase, appropriate mitigation, coordination and management processes will be agreed between the landowner and our contractor and implemented to manage any potential land use conflict between the two land uses both during construction and operation. The Project is therefore expected to have a minor impact on the food production capacity of the host properties during the construction phase and a negligible impact during operations. No impact to food production or other agricultural activities on adjoining properties are expected at any stage of the Project.

This conclusion is supported in the findings of the DPHI Assessment Report for the Thunderbolt Wind Farm (DPHI, 2024) which concludes in relation to this issue:

- *While the project would temporarily reduce the available land for agricultural uses during construction, the long-term use of the land for agricultural purposes will not be compromised during the operation of the Project. As such, the Department is satisfied that agricultural and*

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wind farm activities are compatible land uses and can co-exist in the locality. This has been demonstrated at several operating wind farms in NSW.

- *Additionally, the Department notes that the project would provide an additional source of income for the landowners of the associated properties, whose land would be impacted.*

The Project is therefore considered to be entirely consistent with Article 2 of the Paris Agreement, particularly when taking into consideration other objectives within Article 2 which are focussed on encouraging the transition towards low emissions technologies such as wind farms.

2. Consultation on landscape impacts of the Project

During the preparation of the Landscape and Visual Impact Assessment (**LVIA**), Neoen offered on-site visual assessments to all private dwellings within 5,100 m of the proposed WTGs. Where access was granted, Neoen's consultants Moir Landscape Architects (**Moir**) attended the properties to undertake photographic assessments from areas of potential concern identified by each landowner and to ground truth the desktop assessment. Where access to the property was not granted, Moir undertook a desktop assessment utilising 3D modelling and the most current available aerial imagery.

Moir also created 360-degree panoramas (known as 'photomontages') from six public locations surrounding the Project Area to illustrate what the proposed wind turbines may look like from the different vantage points. This included creating panoramas from Kentucky Village and Kentucky South (as requested by community members during consultation). The panoramas are published on the Thunderbolt Energy Hub website (www.thunderboltenergyhub.com.au) for community members to view at any time.

As part of the LVIA, Moir created a number of photomontages and wireframes (from both public and private vantage points) for neighbouring landholders. Neoen shared these photomontages with the affected neighbours to provide further information on what the wind turbines may look like from their dwellings. These were provided privately to each landowner and to DPHI and, where permission was given by the landowner, a number of them were made public in the LVIA.

During the Submissions phase of the Project, Neoen again attempted to make contact with those landholders where access was not possible during the preparation of the visual impact assessment (five landholders). These landholders did not receive a photomontage from their dwelling as a meeting time and date could not be arranged or access was refused by the landholder. These landholders were contacted again in early August 2022 (during the preparation of the Submissions Report) to offer a new opportunity for Moir to visit their properties to take photos to create a photomontage. Neoen then sent a follow up request in November 2022 as no response was received following contact made in August. Contact continued through the preparation of the Submissions Report, of the five neighbours contacted, one landowner agreed access for a photomontage to be created from their dwelling. One landowner refused access and three did not respond. For the purposes of the LVIA, modelled wireframes using LiDAR data was used in lieu of a photomontage.

3. Bushfire (in particular the impact of the Project on aerial firefighting capabilities)

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A Bushfire Threat Assessment and Aviation Impact Assessment were undertaken during the preparation of the EIS for the Project. Consultation was undertaken with the Rural Fire Service (RFS) during the preparation of the assessment, during which the RFS noted that with regard to aerial firefighting, wind farms are treated like any other potential hazard to aircraft operations. Their firefighting operations are undertaken with consideration of these hazards. Additionally, aerial firefighting strategies and tactics in relation to the area will continue to be selected based on the fire location, what the fire is threatening and hazard in the area.

Neoen have committed preparing a Bushfire Emergency Management Plan for the Project which will be developed in accordance with the requirements of Planning for Bushfire Protection (RFS, 2019) and in consultation with the RFS and Fire and Rescue NSW. The preparation of this plan will include the development and implementation of management requirements in relation to aerial firefighting. Following consideration of comments made during the public meeting, Neoen will also commit to the following:

- directly engage with the Uralla Fire Control Centre and local brigades around the Project Area in the preparation of the Bushfire Emergency Management Plan;
- provide bush fire training for all on-site employees during the operational phase of the Project within 6 months of them being employed on the Project; and
- proactively consider opportunities for use of planning agreement/ community benefit fund for local fire-fighting resources.

Neoen will be responsible for ensuring that it executes the relevant protocols and plans properly in the event of an emergency. The management commitments relating to aerial firefighting outlined in the EIS include:

- to facilitate aerial firefighting planning, details of the Project, including 'as constructed' locations and height information of turbines, meteorological masts and overhead powerlines, will be provided to the RFS, Fire & Rescue NSW and surrounding landowners;
- upon becoming or being made aware of a bushfire, Neoen will (through remote access) electrically isolate the wind turbines – Fire and Rescue NSW will then take control of the situation and Neoen's personnel will assist as directed; and
- Fire and Rescue NSW, RFS and any aerial bushfire fighting personnel will assess risks posed by aerial obstacles, wake turbulence and moving blades in accordance with their own procedures.

Aerial firefighting has been used on wind farms, including Waterloo in SA and Bulgana in VIC. According to the Australasian Fire and Emergency Service Authorities Council Ltd (AFAC):

"The bushfire at the Waterloo wind farm demonstrated that if conditions are clear and wind turbines are turned off, wind turbines are clearly visible from aircraft and are not likely to constrain aerial firefighting operations (Clean Energy Council 2017). However, during that event transmission infrastructure, meteorological towers and guy-ropes were difficult to see (Clean Energy Council 2017); this infrastructure does have potential to limit the effectiveness of aerial firefighting operations. Access and egress challenges on the ground as well as water

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supply issues can also create firefighting limitations, if not planned for appropriately. The decision as to the methods used for a specific wind farm site lies with Fire and Rescue NSW and the RFS.”

The development and implementation of management measures in relation to aerial firefighting is subject to consultation with Fire and Rescue NSW, the RFS, and CASA.

Neoen will investigate the usefulness of the installing emergency lighting on all turbines to improve their visibility to aircraft involved in aerial firefighting activities. Such lighting could be controlled remotely and would only be used in emergency conditions rather than being permanently on during night periods.

It should also be noted that the Project will provide improved access across the Project Area through the construction of internal access road network consisting of compacted gravel, approximately 6–9 m wide, providing all weather access for emergency services at all times. These roads will also facilitate hazard reduction activities and can be used for backburning operations.

4. Infrasound and its potential impact on the local koala population

Umwelt has completed a literature review relating to the topic raised during the IPC public meeting of potential impacts infrasound may have on koala populations, specifically relating to koala breeding activity. Umwelt identified no peer reviewed scientific articles that assess, study, or discuss this topic. Further, no journal articles from the two authors cited during the community meeting were found relating to koalas.

Despite an absence of any peer reviewed scientific articles, Umwelt did identify media releases from one Roger Martin relating to potential impacts of wind turbine infrasound on koalas, specifically that infrasound from wind turbines may affect the distance a male koala bellow can travel. Mr Martin was mentioned specifically during the public meeting.

In a media release through Rainforest Reserves Australia, Mr Martin has been quoted as saying:

“Koalas are solitary animals and occur in low abundance in this forest. In the breeding season the females locate distant males from their low frequency nocturnal bellowing. Wind turbines also emit a substantial amount of low frequency sound, and my fear is that this will mask the bellows of male koalas and disrupt the koala breeding season. Low frequency sound can be heard from a long distance away and these turbines are abutting the most biologically diverse forests in Australia. No consideration has been given to the impact of this noise pollution on koalas or on any of the other wildlife species living here.”

Mr Martin features in a YouTube clip entitled “Wildlife biologist and Koala expert Roger Martin on Koalas and wind turbines: what we don't know” posted by Rainforest Reserves Australia, on 20 March 2024 (following the public meeting). In this 1-hour long video, Mr Martin talks about the current status of koalas, including key threats, the degree of infrasound considered to be emitted by wind turbines, the frequency of koala calls, and as such the overlap of frequency. Mr Martin makes

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the case that if wind turbine infrasound is emitted substantial distances, this could have an impact on the degree to which koala calls will travel through the landscape, therefore potentially affecting the degree to which breeding males can present to breeding females. Mr Martin claims the potential result of this being reduced breeding activity or breeding success in a locality.

To date, it is not evident that any scientific research has been undertaken specifically in relation to the potential impacts of infrasound on koala populations. Infrasound is generally considered to be sound at frequencies less than 20 Hz and is often described as being inaudible. However, sound below 20 Hz can be audible provided that the sound level is sufficiently high. A common audibility threshold from the range of studies is an infrasound level of 85 dB(G) or greater.

Early wind turbines were constructed with blades located downwind of the tower. These turbines produced significant levels of infrasound as a result of the wake caused by the tower. Modern turbines (such as those with a maximum tip height of 260m proposed to be constructed as part of the Project) are constructed with the blades positioned upwind of the tower, resulting in lower infrasound levels.

Sonus (our noise consultants) has conducted studies into the level of infrasound produced by wind turbines. These studies confirm that the level of infrasound from turbines is no greater than the noise encountered from other natural and non-natural noise sources such as waves breaking. The results of the studies undertaken by Sonus were presented at the fourth International Conference, Wind Turbine Noise, 2011 in Rome (Turnbull and Turner, 2011) and appeared as a peer reviewed paper in "Acoustics Australia", the journal of the Australian Acoustical Society (Turnbull, Turner and Walsh, 2012).

Additionally, a 2013 study by the South Australian Environment Protection Authority (**SA EPA**) into infrasound (Evans, Cooper and Lenchine, (2013), provided findings which were consistent with the studies conducted by Sonus, including that:

- the measured levels of infrasound from modern wind farms are well below the threshold of perception;
- the measured infrasound levels around wind farms are no higher than levels measured at other locations where people live, work and sleep; and
- the characteristics of noise produced by wind farms are not unique and are common in everyday life.

The level of infrasound from wind turbines is no greater than the noise encountered by animals (including koalas) from other natural and non-natural noise sources. It is noted that there are healthy koala populations located close to coastal areas in NSW where high levels of infrasound would be expected from coastal wave action. Anecdotal evidence indicates these natural infrasound impacts are not having an adverse impact on koala breeding.

5. Potential impact of the Project on the Bell's Turtle

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The Bell's turtle (*Myuchelys bellii*) is listed as Endangered under the BC Act and Endangered under the EPBC Act. The NSW Atlas and Atlas of Living Australia were both reviewed for public records of the species. The closest public records of the species are from 2022 and occur approximately 1 kilometre south of the Project Area on Carlisles Gully within the Carlisle Gully Travelling Stock Reserve (**TSR**) (DPIE, 2024). Despite the proximity of this record, the aquatic habitat from which these records occur is distinctly different from aquatic habitat present in the Project Area. Carlisles Gully is a 7th order stream with flow contributions from numerous unnamed minor tributaries as well as, Spring Creek (4th order stream) and Pine Creek (5th order stream) which are located within the Project Area and ephemeral in nature.

The Threatened Biodiversity Database Collection species profile for Bell's turtle (DPIE, 2024) states that while the species can use shallow waterholes for foraging and moving between deeper waterholes, it requires waterholes at least 1.5 m deep to persist. Based on the biodiversity surveys undertaken across the Development Corridor, including aquatic habitat assessments, none of the creek lines or drainage lines present support the deep waterholes required for the Bell's turtle. The creek lines within the Project Area are high order (4th and 5th) streams and ephemeral in nature with waterflow not being permanent.

The exception to this is Pine Creek Dam, on the western extent of the Project Area where a temporary water pipe and pumping station will facilitate the Project sourcing water during the construction phase. Despite there being no public records of Bell's turtle within Pine Creek Dam, it is possible that the species may occur. No disturbance works are proposed to the dam or in the vicinity of the dam, the proposed above ground pipeline and pump are temporary and will supply water during the construction phase only.

Key threats identified to the Bells Turtle are egg predation by fox and pig (90% predation rate), agricultural and grazing development along banks causing sedimentation and loss of deep waterholes. Fox and pig have both been recorded multiple times within the Project Area during ecological surveys undertaken by Umwelt since 2020. Further, all creeklines within the Project Area are currently susceptible to direct or indirect impacts from historical, current and future agricultural and grazing land use. This is particularly relevant to Kyabra Station, where there is little to no stock fencing along the creekline habitat. This has resulted in the aquatic habitat within the majority of the Project Area being substantially degraded as a result of a long history of agricultural land uses.

The Project will design and implement the necessary mitigation measures relating to the pump being used in Pine Creek Dam to source water for the Project construction phase to avoid direct impact to fauna including the Bell's turtle. These mitigation measures will be prepared and detailed in the Biodiversity Management Plan for the Project, however, will likely include a suitably sized and spaced filter being installed on the inlet valve to the pump to avoid aquatic fauna species being impacted by the pumping process.

Water extraction from the Pine Creek Dam has the potential to lower water levels within the Pine Creek Dam. Pine Creek Dam is a large dam (with surface area of approximately 32 hectares), the water volume required for the Project (100 ML) will not significantly impact the water volume within

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a dam this size (i.e., the dam can sustainably supply the Project's water requirements and the water within the dam will not be exhausted). Further, Neoen have a verbal agreement with the adjoining landowner (the owner of the Pine Creek Dam) and are in the process of confirming a formal agreement for temporary transfer of the volume of entitlement required to meet construction demands (i.e., an assignment of unregulated water allocation) from the landowner for Water Access Licence (WAL) 36029 to Neoen. The volume of the entitlement held under WAL 36029 is 420 units (420 ML/year (assuming a full water allocation) which is more than adequate to meet the estimated water demands relevant to the construction phase of the Project. The transfer will apply to the volume required only (not the full entitlement) which will continue to be held by the adjoining landowner. WAL 36029 currently covers extractions from Pine Creek Dam and the transfer of part of this entitlement to Neoen for windfarm construction purposes will therefore not result in any increased extraction from Pine Creek Dam over that which is currently authorised.

As outlined in Section 6.9.6 of the EIS the Project's waterway crossings will be designed to minimise impacts on stream stability, ensure water flow is maintained and fish passage and will be designed with reference to:

- *Guidelines for Controlled Activities on Waterfront Land (Department of Planning, Industry and Environment (DPIE) Water, 2018);*
- *Why Do Fish Cross the Road? Fish Passage Requirements for Waterway Crossings (NSW Department of Primary Industries (DPI) Fisheries, 2003); and*
- *Fisheries NSW Policy and guidelines for fish habitat conservation and management, (NSW DPI, 2013).*

For works on waterfront land (within 40m of top of bank of Spring Creek and Pine Creek) the following measures will be incorporated into the design of the works and controls included in the Soil and Water Management Plan:

- a site-specific erosion and sediment control plan will be prepared for all works on waterfront land;
- where practicable, infrastructure will be maintained outside of the vegetated riparian zone;
- utilise stream crossings for co-location of services to avoid the need to trench through stream beds wherever practicable;
- rehabilitate disturbed areas and provide scour protection to bed and banks as required to mitigate any areas with increased potential for erosion due to changes in flow regimes associated with Project infrastructure; and
- where practicable, undertake works on waterfront land from April to mid-October when fish passage is unlikely to occur.

During detailed design, consultation will be undertaken with DPI Fisheries to determine if any of the proposed waterway crossings require consideration of fish passage. For any crossings that do require consideration of fish passage, the relevant DPI Fisheries guidelines will be considered during the detailed design process.

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Concerns were also raised regarding the potential for sediment from areas disturbed by the Project to impact aquatic ecosystems. The risks associated with soil erosion from unsealed roads and other disturbed areas is well understood and were specifically addressed in the EIS for the Project (refer to Section 6.9.6.1 of the EIS). The Project will implement specific sediment and erosion controls designed in accordance with NSW Government 'Blue Book' guidelines specifically developed for the management of these risks: Managing Urban Stormwater: Soils and Construction Volume 1 (Landcom, 2004) and Volume 2 (DECC, 2008) (Particularly Volume 2A Installation of Services and Volume 2C, Unsealed Roads). These guidelines require specific consideration of site slope and rainfall erosivity factors (including soil type) to determine the design specifications for erosion and sediment control measures. The requirement to design, install and maintain erosion and sediment controls in accordance with Blue Book requirements has been included as a condition of consent in the Draft Consent Conditions prepared by DPHI, as has the requirement for creek crossings to be constructed in accordance with the Guidelines for Controlled Activities on Waterfront Land (Department of Planning, Industry and Environment (DPIE) Water, 2018) (See Part B, Condition B20 of the Draft Conditions)

In response to submissions made regarding management of erosion risks, the Submissions Report for the Project included a draft framework for the Erosion and Sediment Control Plan (**ESCP**) that would be implemented for the Project (refer to Appendix 9 of the Submissions Report). The ESCP will be included as a component of the Construction Environmental Management Plan (**CEMP**) and Operations Environmental Management Plan (**OEMP**). This is now incorporated into the Environmental Management Strategy (EMS) which covers the CEMP and OEMP requirements.

With implementation of these controls, sedimentation risks to downstream environments where Bell's turtle and other sensitive aquatic ecosystems are present are considered low and likely represents a reduced risk relative to existing farm tracks within the Project Area which will be used and upgraded as part of the Project.

The Project is therefore considered unlikely to impact on the suitable habitat for the Bell's turtle.

References

- *Landcom, 2004, Managing Urban Stormwater – Soils and Construction Volume 1,*
- *DECC, 2008 Managing Urban Stormwater – Soils and Construction Volume 2A Installation of Services,*
- *DECC, 2008, Managing Urban Stormwater – Soils and Construction Volume 2C Unsealed Roads,*
- *Department of Planning, Industry and Environment Water, 2018, Guidelines for Controlled Activities on Waterfront Land,*
- *Department of Primary Industries Fisheries, 2003, Why Do Fish Cross the Road? Fish Passage Requirements for Waterway Crossings, NSW*
- *NSW Department of Primary Industries, 2013, Fisheries NSW Policy and guidelines for fish habitat conservation and management,*

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6. Decommissioning bonds

The establishment of decommissioning bonds is not yet standard practice in the wind industry. Options to Lease are private commercial arrangements that are negotiated on an individual basis with each landowner.

When the Project's leases expire, Neoen must remove all its above-ground infrastructure and certain below-ground infrastructure down to a certain depth. We must do so within a prescribed period and must rehabilitate the land to an agreed standard.

We must also comply with the DA conditions. Under Schedule 2 Part B – B45 of the Draft Consent Conditions, Neoen is required to rehabilitate the site within a period of 18 months from the date the wind farm ceases to operate.

Neoen is a long-term, owner-operator of its assets, therefore we expect to still be operating the Project at its end of life. To the extent that best industry practice with regards to removal of infrastructure and rehabilitation of land evolves over the coming years then we will seek to meet this best practice as a minimum.

Other items for consideration by the IPC

7. Minor proposed amendments to three DA conditions

7.1. Visual impact mitigation – Schedule 2, Part B – Condition B1

The proposed Condition B1 reads as follows:

- B1. For a period of 5 years from the commencement of construction, the owner of any non-associated residence within 5.1 km of any wind turbine identified in the Final Layout Plan may ask the Applicant to implement visual impact mitigation measures on their land to minimise the visual impacts of the development on their residence (including its curtilage).

Upon receiving such a written request from the owner of these residences, the Applicant must implement appropriate mitigation measures (such as landscaping and vegetation screening) in consultation with the owner.

These mitigation measures must:

- (a) be reasonable and feasible;
- (b) be aimed at reducing the visibility of the wind turbines from the residence and its curtilage, and commensurate with the level of visual impact on the residence;
- (c) consider bushfire risk (including the provisions of *Planning for Bushfire Protection 2019*); and
- (d) be implemented within 12 months of receiving the written request, unless the Planning Secretary agrees otherwise.

If the Applicant and the owner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Planning Secretary for resolution.

It is Neoen's view that the obligation on the Applicant to implement visual impact mitigation measures on request for any non-associated residences within 5.1km of a turbine is not reasonable.

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Neoen proposed during the Applicant meeting on 3 March 2024 that any non-associated residences within 5.1km where the visual impact has been assessed in the LVIA as “low” or “negligible” should not be able to request such mitigation and that the condition be amended as follows:

- That the first part of this condition be amended to read “*the owner of any non-associated residence within 5.1 km of any wind turbine identified in the Final Layout Plan and which the LVIA has assessed as having a “moderate” or “high” impact from a wind turbine, may ask the Applicant...*”
- That part (b) of this condition be amended to read: “*be aimed at reducing the visibility of wind turbines from the residence and its curtilage to “low” or “negligible”.*”

7.2. Biodiversity offsets – Schedule 2, Part B– Condition B23

The proposed Condition B23 reads as follows:

Biodiversity Offsets

B23. Prior to carrying out any development that could directly or indirectly impact the biodiversity values requiring offset, the Applicant must retire biodiversity credits of a number and class specified in Table 1 and 2 of Appendix 5, unless the Planning Secretary agrees otherwise.

The retirement of these credits must be carried out in accordance with the *NSW Biodiversity Offsets Scheme* and can be achieved by:

- (a) acquiring or retiring 'biodiversity credits' within the meaning of the *Biodiversity Conservation Act 2016*;
- (b) making payments into an offset fund that has been developed by the NSW Government; or
- (c) funding a biodiversity conservation action that benefits the entity impacted and is listed in the ancillary rules of the biodiversity offset scheme.

Appendix 5 currently sets out the exact number and class of the biodiversity credits that must be retired for the project. Inclusion of the exact credit liability removes the flexibility for applicants to revise their conceptual layout (which is usually conservative) and confirm the final infrastructure footprint without modification of the DA, even if this is to reduce the credit liability. Essentially, by hard-wiring the credit liability in to the DA, the Applicant is not incentivised to reduce its footprint of impact – this is clearly a missed opportunity for a better biodiversity outcome. We understand that there is no legislative restriction that prevents confirmation of biodiversity offset liability following detailed design.

Neoen proposed during the Applicant meeting on 3 March 2024 that the condition be amended as follows:

- a new condition is inserted, similar to Condition B21 of the Uungala Wind Farm DA (granted in 2021 – see below), to enable the Applicant to recalculate its offset credit liabilities (through an updated BDAR) based on the more detailed design information available prior to construction so that the offsets reflect the actual disturbance footprint the project expects to have.

Schedule 2, Part B – Condition B21 of Uungala Wind Farm DA:

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- B21. Unless the Planning Secretary agrees otherwise, prior to the commencement of construction, the Applicant must:
- (a) update the baseline mapping of the vegetation and key habitat within the development corridor;
 - (b) calculate the biodiversity offset credit liabilities for the development in accordance with the *Framework for Biodiversity Assessment* under the *NSW Biodiversity Offset Policy for Major Projects*, in consultation with BCS, and to the satisfaction of the Planning Secretary.

7.3. Transport – Schedule 2, Part B– Condition B31

The proposed Condition B31 reads as follows:

- B31. Unless the Planning Secretary agrees otherwise, the road upgrades identified in:
- (a) Table 7-1 of Appendix 7 must be implemented in accordance with the relevant timing requirements.
 - (b) Table 7-2 of Appendix 7 must be implemented by the Applicant in accordance with the relevant timing requirements, to the satisfaction of the relevant roads authority and TfNSW.

If there is a dispute about the road upgrades to be implemented, or the implementation of these upgrades, then either party may refer the matter to the Planning Secretary for resolution.

This consent does not approve the Applicant to undertake upgrades identified in B31(a).

Part (b) of the condition requires that the upgrades identified in Table 7-2 “*must be implemented by the Applicant*”. However, with numerous other projects likely to use this route from Denman to the NE REZ, there is a possibility that it will not be Neoen who undertakes these works (e.g. if another project starts construction before Thunderbolt Wind Farm).

Neoen proposed during the Applicant meeting on 3 March 2024 that the condition be amended as follows:

- That part (b) of this condition is amended to read “*the road upgrades identified in...Table 7-2 of Appendix 7 must be implemented, by the Applicant or otherwise, in accordance with the relevant timing requirements,.....*”.

8. Continual commitment to community engagement

Neoen would like to reiterate its commitment, set out in our response dated 13 March 2024, to the IPC’s questions on notice, to conducting the following activities in 2024:

1. Opening a project shopfront that will be managed by a local person (likely to be in Uralla). The shopfront will be open 1-2 days per week for any members of the public to attend and discuss the project. The initial opening of the shopfront will provide an opportunity to discuss the outcome of the IPC and determination of the project, and what to expect from the project moving forward.
2. CCC meeting – following determination of DA.
3. Face-to-face meetings with the Registered Aboriginal Parties.
4. Project newsletter – to be sent out at least every six months.
5. Project website – to be updated quarterly.
6. Proactive engagement with nearby residents of the project area, 1-on-1 meetings and follow-up phone calls/emails on items raised.

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7. Jobseeker and Supplier Networking Session – organising a community information and supplier network session for local jobseekers, suppliers and businesses to drop-in and discover job opportunities.

The focus for community engagement will shift towards the construction phase and the expected impacts that would result from it.

All future community engagement will be in accordance with the Project's community relationship plan (please refer to Appendix 4 of the Project's Response to Submissions for more details) which is periodically reviewed and updated.

If you have any questions regarding this letter, please do not hesitate to contact me.

Kind regards,

A handwritten signature in black ink, appearing to be 'AG'.

Aaron Gutteridge

Project Manager Thunderbolt – NSW Development

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