

Thunderbolt Wind Farm - Uralla Shire Council submission for the Independent Planning Commission 11 March 2024 (Council only)

Background

At the 24 May 2022 Uralla Shire Council (USC) meeting motion 08.05/22 was carried:

“That Council lodge an objection to the Thunderbolt Energy Hub Stage 1 Environmental Impact Statement (EIS) to the Department of Planning, Industry and Environment on the following shortcomings in the document:

I. The waste management plan should be further developed prior to the issue of consent.

II. Decommissioning should be bonded and all associated infrastructure including underground cabling should be removed at this time.

III. The sediment and erosion control plan should be further developed prior to the issue of consent.

IV. The water source(s) for construction activities should be addressed prior to the issue of consent.

V. Local wildlife groups should be engaged to assist with biodiversity mitigation.

VI. Environmental impacts from road construction have not been adequately addressed.

VII. A provisional decommissioning plan should be provided.

VIII. Possible infrasound impacts should be addressed.

IX. Possible use of smaller wind turbine generators has not been addressed.

X. Request a hearing to be held locally by Department of Planning, Industry and Environment.”

This objection was based on deficiencies in the Environmental Impact Statement (EIS). Umwelt, in their Response to Agency Submissions outlined how they had addressed each of these shortcomings.

However, to ensure we adequately meet our community expectations, it is requested that the commission consider the comments in this submission in making a determination on the Thunderbolt Wind Farm development application to ensure the following issues are adequately addressed:

Section 1 – General Issues

- **Waste Management:** The waste management plan whilst being further developed does not outline the expectations of the applicant for USC to provide waste management services and disposal.
- **Decommissioning:** In terms of decommissioning the framework decommissioning plan outlines the process but does not consider the resources required and the commitment to ensure they are available at the end of life of the project. The simple dismissing of this issue by the Department that this is an applicant/landholder issue does not meet our community expectations.
- **Sediment and erosion control:** Whilst the sediment and erosion control will need to meet the standards outlined in “The Blue Book” (Managing Urban Stormwater: Soils and construction - Volume 1) the only oversight, if any, may be the Environmental Management and Reporting Audit. As poor sediment and erosion control will be episodic and has the potential to have an extreme impact on aquatic ecosystems, sediment both on site and as discharge should be given the same status as sound and be appropriately monitored to ensure it will be effectively managed.

- **Benefit Sharing:** That the agreement reached by Uralla Shire Council and Neoen be reflected in the document.
- **Housing and employment impacts:** Local experience during construction of Phase 1 of the New England Solar Farm (Acen) have raised community and council awareness of the adverse local impacts on housing and employment associated with the development of local renewable energy projects.

2. Cumulative Impact

Solar and Wind Projects

Neoen noted only 6 nearby energy generation or storage projects*.

- | | |
|--|---------------------------------------|
| *Armidale BESS | *New England Solar - Acen - operating |
| *Bendemeer Solar - Athena, Metis Energy Co | *Eathorpe BESS - NEOEN |
| *Oxley Solar | *Winterbourne Wind - Vestas |

Council knows of a further 27 proposed and 3 operating projects (listed below) for the New England REZ and more are expected.

Operating

Sapphire Wind/Solar – Squadron Energy
 University Of New England Solar
 Whiterock Wind Farm – Goldwind

Proposed

Balala - EDF	Ruby Hills 1 - Walcha Energy
Boorolong - Squadron Energy	Ruby Hills 2 - Walcha Energy
Brackendale - Walcha Energy	Sapphire Battery Hub - Squadron Energy
Doughboy Wind Farm - Ark Energy	Salisbury Solar - Origin Energy
European Energy (to west of Uralla)	Salisbury Wind - Origin Energy
Glen Innes Solar farm - Glen Innes Windpower	Solar PV Farm - Providence Asset Group
Glen Innes Wind Farm - Netif Energy	Stringbark Solar - Infinergy (Boralex)
Uralla - Meralli Solar	Sundown Solar - Canadian Solar
Metz Solar - FRV	Thunderbolt Wind – Neoen
New England BESS - Acen	Tia Windfarm - Walcha Energy
New England Solar Deargee - Acen	Tilbuster Solar - Enerpac
Olive Grove Solar - Infinergy (Boralex)	Warrane solar and wind - Origin Energy
Rangoon Wind Farm - Infrastructure Capital Group	Woolbrook - Walcha Energy
	Yarrowyck Wind - EDF Renewables

Energy Co's New England Transmission Project

The largest of all projects, building new transmission network infrastructure, including transmission lines and energy hubs within the New England REZ, Energy Co will require approximately 900 workers for this project to deliver approx. 500 kms of transmission lines in the New England region. Again adding to the impact on local and state roads, housing, all types of infrastructure and services.

Noting these project numbers, the cumulative impact has been greatly understated and will have a major impact on local and state roads, housing, all types of infrastructure and services.

3. Comments on specific recommended conditions

Uralla Shire Council requests that parts A, B, C and Appendix C of the Recommended Instrument of Consent are modified to include the following:

1. Part A Administrative Conditions

Condition:

A21. If the Applicant and Uralla Shire Council do not enter into a VPA or other agreement within the timeframe specified under condition A19, then within a further 3 months, the Applicant must make a Section 7.12 of the EP&A Act contribution to Uralla Shire Council for a total of \$1,494,800. The amount is to be adjusted at the time of actual payment in accordance with the provisions of the Uralla Shire Council Section 7.12 Development Contribution Plan 2021 - Fixed Levy and directed to infrastructure, services and community projects in towns, villages and rural areas within the Uralla LGA.

Comment:

Community Enhancement

A21. Delete (due to agreement between Applicant and USC being reached)

2. Part B Specific Environmental Conditions

Air

Condition:

B17. The Applicant must take all reasonable steps to: (a) minimise the off-site dust, fume and blast emissions of the development; and (b) minimise the surface disturbance of the site.

Comment:

Proposed alternative condition

B17. Monitor relevant criteria to minimise off site dust, fume and blast emissions as per the Approved methods for the sampling and analysis of air pollutants in NSW and their outcome to inform the audit report.

Add a subparagraph c to "monitor and report" (not just minimise)

Soil and Water

Water Supply

Condition:

B18. The Applicant must ensure that it has sufficient water for all stages of the development, and if necessary, adjust the scale of the development to match its available water supply. Note: Under the Water Act 1912 and/or the Water Management Act 2000, the Applicant is required to obtain the necessary water licenses before commencing any works which intercept or extract groundwater or surface water (unless an exemption applies).

Comment:

B18. Water supply

There is not sufficient information provided to know the quantity of water available to Neoen in the dam on the neighbouring property. They give no information of the source of water they expect to truck once this is exhausted. As it is unlikely that USC will be able to support the supply of additional water we need to be assured of this source or that the scale of the development will be adjusted to match their water supply.

B19 Water pollution

Condition:

B19. Unless an EPL authorises otherwise, the Applicant must comply with Section 120 of the POEO Act. Note: Section 120 of the POEO Act makes it an offence to pollute any waters.

Comments:

Add monitoring to the conditions.

Automatic monitoring equipment of water quality and turbidity to be placed in the Carlisle's Gully Catchment and Roumalla Creek flows and their outcome to inform the audit report.

Biodiversity

Condition:

B26. Prior to the commissioning of any wind turbines, the Applicant must prepare a Bird and Bat Adaptive Management Plan for the development in consultation with BCS and AG DCCEEW and to the satisfaction of the Planning Secretary. This plan must be prepared in accordance with the Biodiversity Development Assessment Report (dated November 2023) and include: (a) at least 12 months' worth of baseline data on threatened and 'at risk' bird and bat species and populations in the locality that could be affected by the development; (b) a detailed description of measures that would be implemented on site for minimising bird and bat strike during operation of the development, including: (i) a wind turbine curtailment strategy (if required); (ii) minimising the availability of raptor perches on wind turbines; (iii) prompt carcass removal; (iv) controlling pests; and (v) using best practice methods for bat deterrence, including managing potential lighting impacts; (c) specific thresholds for unacceptable adverse impacts to 'at risk' bird and bat species for turbines T23, T24 and T25; (d) an adaptive management program that would be implemented if the development is having an adverse impact on a particular threatened or 'at risk' bird and/or bat species or populations, including: (i) trigger action response plan to minimise potential impacts of the project; (ii) the implementation of measures to: • reduce the mortality of those species or populations; or • enhance and propagate those species or populations in the locality, where feasible; and (e) a detailed program to monitor and report on: (i) the effectiveness of these measures; and (ii) any bird and bat strikes on site; and (f) provision for a copy of all raw data collected as part of the monitoring program to be submitted to BCS and the Planning Secretary. Following the Planning Secretary's approval, the Applicant must implement the Bird and Bat Adaptive Management Plan.

Comment:

B26. Bird and Bat Adaptive Management Plan

(b) (i) a wind turbine curtailment strategy to include a mitigation measure such as the IdentiFlight system used at the Cattle Hill Wind Farm in Central Tasmania and their outcome to inform the audit report.

IdentiFlight uses artificial intelligence to identify eagles flying towards the wind turbines, at which point they temporarily shut down to prevent the eagles from colliding with turbine blades.

Transport

Local Roads

The Applicant must identify all local roads they may use to transport water, road construction materials or other building materials.

Road Upgrades

Condition:

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 NSW Government 15 Thunderbolt Wind Farm Department of Planning, Housing and Infrastructure (SSD 10807896) 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).

Comment:

B31.

(c) Local Roads as identified for use by Applicant to the satisfaction of the relevant road authority and TfNSW.

Road Maintenance

Condition:

B32. The Applicant must, in consultation with the relevant Council: (a) undertake an independent dilapidation survey to assess the existing condition of Selwyn Street, George Street, Thomas Mitchell Drive, Bengalla Road, Wybong Road, Kayuga Road, Ivermein Street, Stair Street, Dartbrook Mine Access Road as described in condition B30, prior to construction, upgrading or decommissioning works; and (b) undertake an independent dilapidation survey one month following completion of construction, upgrading or decommissioning works, to assess the condition of Selwyn Street, George Street, Thomas Mitchell Drive, Bengalla Road, Wybong Road, Kayuga Road, Ivermein Street, Stair Street, Dartbrook Mine Access Road, and describe the necessary repairs to return the route to a condition that is equivalent to, or better than, the existing condition identified in B32(a); and (c) repair and/or make good any development-related damage identified during: (i) the carrying out of the relevant construction and/or decommissioning works if it could endanger road safety, as soon as possible after the damage is identified but within 7 days at the latest; and (ii) any dilapidation survey carried in accordance with condition B32(b) within 2 months of the completion of the survey, unless the relevant road authority agrees otherwise; (d) in consultation with the relevant roads authority, to the satisfaction of the Planning Secretary. If there is a dispute between the Applicant and the relevant Council about the repair of the above listed roads, then either party may refer the matter to the Planning Secretary for resolution.

Comment:

B32.

(e) (i) undertake an independent dilapidation survey to assess the condition of the local roads to be used and;

(ii) survey the local roads one month following completion of construction, upgrading or decommissioning works to describe their condition and the necessary repairs to return to a condition equivalent to, or better than, the existing condition identified in (e) (i).

Waste

Condition:

B43. The Applicant must: (a) minimise the waste generated by the development; (b) classify all waste generated on site in accordance with the EPA's Waste Classification Guidelines 2014 (or its latest version); (c) store and handle all waste generated on site in accordance with its classification; (d) not receive or dispose of any waste on site; and (e) remove all waste from the site as soon as practicable, and ensure it is reused, recycled or sent to an appropriately licensed waste facility for disposal.

Comment:

B43. The applicant must:

(b) (i) Prior to commencing construction notify Council if they intend to use their appropriately licensed waste facility and of the amounts and types of waste they could expect to accept.

Decommissioning and Rehabilitation

Condition:

B45. Within 18 months of the cessation of operations, unless the Planning Secretary agrees otherwise, the Applicant must rehabilitate the site to the satisfaction of the Planning Secretary. This rehabilitation must comply with the objectives in Table 2. Table 2: Rehabilitation Objectives Feature Objective Development site (as a whole) • Safe, stable and non-polluting • Minimise the visual impact of any above ground ancillary infrastructure agreed to be retained for an alternative use as far as is reasonable and feasible Revegetation • Restore native vegetation generally as identified in the EIS Above ground wind turbine infrastructure (excluding wind turbine pads) • To be decommissioned and removed, unless the Planning Secretary agrees otherwise Wind turbine pads • To be covered with soil and/or rock and revegetated Above ground ancillary infrastructure • To be decommissioned and removed, unless an agreed alternative use is identified to the satisfaction of the Planning Secretary Internal access roads • To be decommissioned and removed, unless an agreed alternative use is identified to the satisfaction of the Planning Secretary Underground cabling • To be decommissioned and removed, unless the Planning Secretary agrees otherwise Land use • Restore or maintain land capability to pre-existing use Community • Ensure public safety at all times Progressive Rehabilitation B46. The Applicant must: (a) rehabilitate all areas of the site not proposed for future disturbance progressively, that is, as soon as reasonably practicable following construction or decommissioning; (b) minimise the total area exposed at any time; and (c) where it is not possible to carry out measures for permanent rehabilitation, employ interim rehabilitation strategies to minimise dust generation, soil erosion and weed incursion until such time that it is.

Comment:

Bond

To ensure sufficient resources are available to effectively decommission and rehabilitate the site a bond must be lodged with the State Government as either an upfront payment or an annual payment calculated on a 30-year life of the project.

3. Part C Environmental Management, Reporting and Auditing

Condition:

C14. Independent Audits of the development must be conducted and carried out at the frequency and in accordance with the Independent Audit Post Approval Requirements (2020) to the following frequency: (a) within 3 months of commencing construction; and (b) within 3 months of commencement of operations.

Comment:

Independent Environmental Audit

C14.

(c) At intervals no greater than three years from the initial operational audit also all future independent audits to be published. (<https://www.planning.nsw.gov.au/sites/default/files/2023-02/independent-audit-par-fact-sheet-202005.pdf>)

Add a c) All future independent audits also to be published.

Appendix 3 General Terms of Applicants' Offer

Note: Revised NEOEN offer and separate advice to Department of Planning by GM.