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Thunderbolt IPC SUBMISSION to additional information 3rd April 2024

Dear Mr Stephen Barry and Panel Commissioners

Please accept my submission regarding the additional information provided to you, the Panel, by the DPHI and Neoen. I have inserted the items I wish to address in the table below and any associated, comment, concern or recommendation.

Item/Details	Comment/Concern/Recommendation
<p>Water Access Licence (WAL) 36029 – entitlement 420 units or 420ML/year. Refer to letter to Stephen Barry from DPHI – Page 1,2</p>	<ol style="list-style-type: none"> 1. A verbal agreement – does this really exist anymore? Would the DPHI or EnergyCo enter into a “verbal agreement” with a landowner? A verbal agreement cannot be constituted as a legal agreement at this integral stage of assessment. A formal, legal agreement must be in place prior to approval. Banks don’t grant loans on promises, Councils don’t grant DA’s based on promises, the DPHI and IPC shouldn’t grant approval based on promises. 2. If the estimated water required by Neoen for construction is 80-100ML, why would it be necessary to come to an agreement on an “assignment of unregulated water allocation”?
<p>Biodiversity Management Plan (BMP) Refer to letter to Stephen Barry from DPHI – Page 2</p>	<p>I believe, insufficient planning has been conducted by Neoen. To “commit” to designing and implementing the necessary mitigation measure relating to impacts on fauna, clearly demonstrates that Neoen does not have any of the necessary detail about the possible impacts nor would have sufficient detail on possible mitigation measures at this point. How can Neoen possibly anticipate the impacts on the Bell’s Turtle, without having this detailed assessment and plan completed?</p> <p>“The Department considers that the project is not anticipated to significantly impact on Bell’s Turtle.”</p> <p>How can the DPHI possibly consider this, when there is no BMP completed and in place?</p> <p>Who determines exactly what a “significant impact” is and how is it measured? As a community member, I would like to understand what a low, moderate or high impact actually looks like, to know whether avoiding significant impact categorisation is even measurable and acceptable, or not? Wouldn’t the IPC like to understand this fully too?</p>
<p>Protection of the Environment Operations Act 1997 Refer to letter</p>	<p>Noting the “strict liability offence to pollute any waters off the site” is not sufficiently demonstrating the ways in which Neoen will construct and manage the project mitigation measures in regard to erosion and sediment control and management. Are the mitigation measures and implementation plan’s clearly and transparently presented to both Community and the IPC in a way that all</p>

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<p>to Stephen Barry from DPHI – Page 2</p>	<p>can be confident in their efficiency and likely success and not just accept that Neoen and DPHI note that it is an offence to pollute waters?</p>
<p>Firefighting Operations Refer to letter to Stephen Barry from DPHI – Page 3</p>	<ol style="list-style-type: none"> 1. The DPHI states that they consulted extensively with “various State agencies, including the NSW Rural Fire Service”. What other relevant state agencies were consulted with? Why were no peak body, representative or independent organisations consulted with? Eg. Aerial Application Association of Australia or Australasian Fire and Emergency Services Authority Council? Is it because only government agencies could be relied upon to provide the desired “perspective” in this instance? What would the perspective of the pilots and their representative organisations be about the risks of flying among turbines (even if they are turned off and in the “Y” position) and transmission lines? What is the primary cause of small aircraft incidents and pilot deaths? How many pilots in Australia and around the world have died from hitting a wind turbine or transmission line? Does this known and increased risk ultimately limit the ability of aerial firefighting in bushfire situations? I can’t see how it wouldn’t. Without aerial support its impossible that it won’t increase the safety risk on ground crews and also decrease their ability to bring a smaller fire under control quickly and effectively. Will volunteer ground crews hesitate or refuse to attend fires of substantial risk, where they can be assured there will be NO available aerial support? 2. A comprehensive Emergency Plan is a recommended condition put on this project. Why is it that the comprehensive Emergency Plan isn’t required to be finalised before approval? It would be collaborative and supportive of the impacted community and landowners that these important management documents formed part of the public exhibition process and ultimately the assessment process. While “the detailed procedures” are a recommended condition of consent, the fact that there is no detail to adequately consider at this point in time should prevent approval of the project. These are important details. 3. RFS recommendation of a provision of a 20,000L water tank on site. First of all: 20,000L, why is this a stock standard recommendation when projects are of varying sizes, varying infrastructure and varying environments? How will the tank be filled? How long does 20,000L last in the event of fire trucks utilising this water in a bush fire? Would it

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	<p>sufficiently extinguish a structural fire of reasonable size? Why is this information not important? In my experience as a volunteer, I believe 20,000L might be useful for one unit attending a small grassfire in favourable conditions but would be of little to no benefit for multiple units in less than favourable conditions or where infrastructure or lives are under threat. In the event of a fire, all water access is critical to acknowledge, but the fact that this recommended water storage provision does not consider size of project land footprint, type of environment or the nature and quantity of the infrastructure at risk, does clearly tell me that this “one-size-fits-all” quantity for provision can and will be insufficient. In my opinion, this is a poor recommendation for a substantial risk.</p>
<p>Accommodation <i>Refer to letter to Stephen Barry from DPHI – Page 4</i></p>	<p>The answer to question 3 re accommodation (f) from the DPHI is ambiguous and doesn’t sufficiently answer the question. The Department failed to acknowledge their “awareness of any policies, strategies or guidance available in relation to managing accommodation impacts”. It would seem, that is because there are none - no policies, strategies or guidance available to help projects mitigate any cumulative impacts, and in this case, accommodation impacts. Developing and finalising the Accommodation and Employment Strategy for the project, AFTER its approval, is neither fair nor transparent. If the proponent had sufficiently involved or collaborated with both Council and Community regarding accommodation, these planning details would be available for the Department, the Public and the IPC and would assist with the project’s approval.</p>
<p>Voluntary Planning Agreement (VPA) <i>Refer to letter to Stephen Barry from DPHI – Page 4,5,6</i></p>	<ol style="list-style-type: none"> 1. If Tamworth Regional Council doesn’t enter into a VPA and as such, the applicant is forced to make a payment of \$2,242,200 in accordance with Section 7.12 of the EP&A Act, is there a lesser degree of accountability for Council compared to a VPA? Would there be any additional losses or impacts on community by Council receiving the funds in this way? 2. Where the administrator of the Community Benefit Fund is named as being the “Community Enterprise Foundation” – what was the selection process for this Administration body to be successfully chosen? Was this consulted with community or was this a decision made by the Applicant. 3. It is noted a couple of times that “33% of its portion of the Contribution must be spent in and to the benefit of the immediate community.” While I appreciate that the immediately impacted community does receive majority of the benefits of any fund for this purpose. Where did the quantity of 33% come from and how was it decided? How is the remaining

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	<p>67% apportioned? Where is this detailed? Was this decision reached through conversation with Council and Community? Where is the evidence of this consultation. This is an extremely important figure and if this “33%” is utilised in the conditions of consent, it must be a figure that is widely supported and understood by Community and by Council.</p>
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Thank you for the opportunity to provide further feedback regarding this project.