

This submission is made without prejudice.

DEPARTMENT'S ASSESSMENT REPORT

Executive Summary:

screening from existing mature vegetation between viewpoints and the project. The visual performance objectives set out in Visual Bulletin are achieved at all receivers. The Department is satisfied that the project would not fundamentally change the broader landscape characteristics of the area or result in any significant visual impacts on the surrounding non-associated residences.



The Department has not considered the cumulative impact of the multiple projects in the CWO REZ in stating the above.

We are aware that the Government has not yet completed the Cumulative Impact Assessment for the CWO REZ. We feel that it is not appropriate for the IPC to make a decision regarding any development in the CWO REZ, until such Assessment has been completed.

Executive Summary:

maintenance and the implementation of a frame management plan.

The Department considers the project would not result in any significant impacts on the local community or the environment, is located on a suitable site for a wind farm development, and any residual impacts can be managed through the implementation of the recommended conditions.

and

7. The project is located near the localities of Coolah, Leadville and Uarbry. Dwellings are mainly concentrated around the township of Coolah and the village of Leadville, which have populations of around 1,262 people and 140 people respectively¹. The closest larger population centres are Dubbo located approximately 94 km south west and Gulgong located 35 km south.

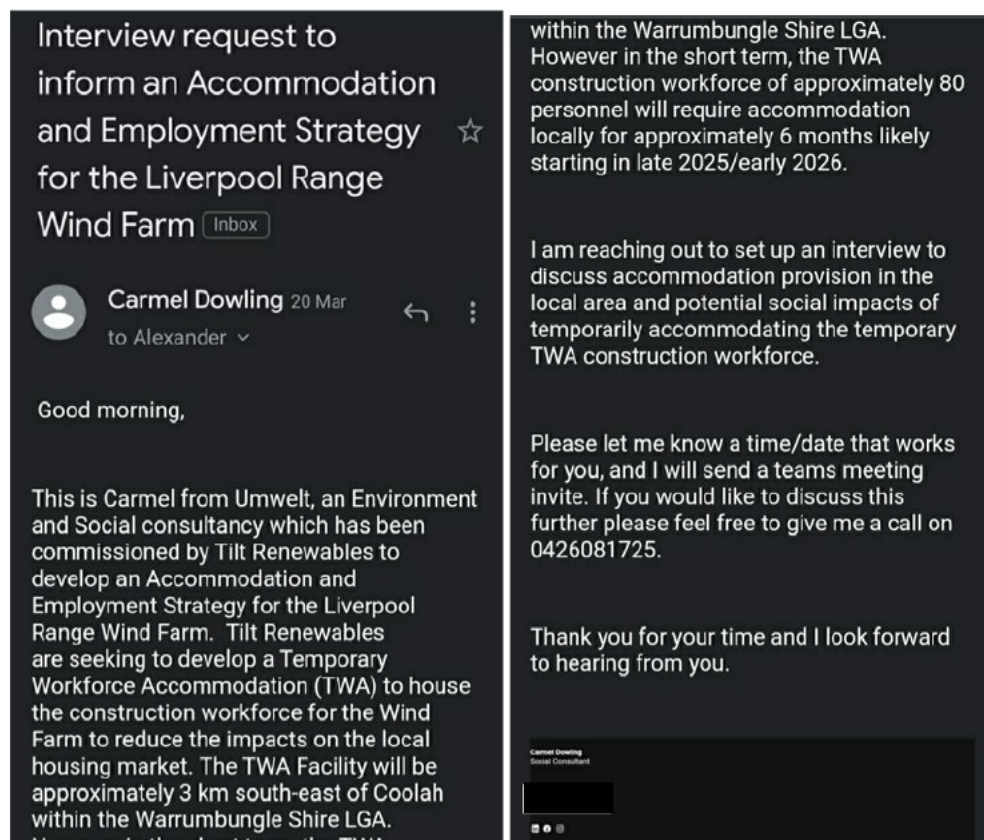
The Department is wrong on both these.

The community WILL be affected by the influx of workers over a 4 year period and a 400 person temporary workers accommodation camp. This will bring an unknown element into the community that has never had to previously deal with.

The workers living in the TWA will not be invested in the community (unlike those who move here and bring their families). The workforce is likely to be transient and constantly changing.

There has already been a TWA approved for the Liverpool Range project and it will bring 800 people to a town that in the 2021 census was 722. The cumulative impact of having 1200 additional people over a few years is too many – and this doesn't include OTHER projects that are nearby (eg. Energy Co's 2 camps at Merotherie (1200 people) and Neeley's Lane (600 people), both about half an hour's drive from Coolah.

Whilst the Applicant plans to build the TWA for their workers, who houses the workers erecting the camp? In March, UMWELT, on behalf of TILT (Liverpool Range) reached out looking for accommodation for up to 80 workers for a 6 month period to house workers for the TILT TWA. See screenshot of email below:



Coolah does not have accommodation for 80 additional people. How many people will the Applicant require accommodation for? How will they deal with this?

Regardless of the Conditions of Consent requiring an Accommodation Camp Management Plan and Accommodation and Employment Strategy, the fact remains that yet another TWA will have a large impact on the township and nearby residents.

ephemeral creeks. The site is not prone to flooding.

13. There are 8 State significant renewable energy, storage and transmission projects within approximately 20 km of the site, consistent with the location of the project within a REZ, as described in Table 2 and shown on Figure 1.

We are concerned that the Department is inferring in Paragraph 13 that as residents of the CWO REZ (which was thrust upon us with no consultation), we are actually second class citizens and have to accept that we will be surrounded by renewable energy, storage and transmission projects. Should we not be considered equal to non-REZ residents who may have the cumulative impacts judged more fairly and not be expected to have more than one project near to them/their town?

2024, it does not apply to the assessment of this project.

22. While the new Energy Policy Framework does not strictly apply to this project, the Department has considered the approach prescribed in the *Wind Energy Visual Technical Supplement (2024)* in regard to visual magnitude in its assessment of the project against the visual performance objectives set out in the existing *Wind Energy: Visual Assessment Bulletin* from the 2016 Guideline.


Paragraph 22 states the Department has adopted the 2024 Wind Energy Visual Technical Supplement in regard to visual magnitude in its assessment. When speaking to DPE's Matthew Riley in 2023, we were assured that none of the new Energy Policy Framework that was being formulated would apply to this project as it had released its EIS prior to the approval (and even formulation) of the new framework.

Using the 2024 guidelines should not be permitted and the Department should re-assess the visual impacts as per the previously established guidelines.

The 2024 supplement recommends the use of a grid system taken on a 180 degree photo, taken by the Applicant. (Example from the 2024 Wind Energy Visual Technical Supplement):

VIEWPOINT 017

Viewpoint Location



Potential Sensitivity

Viewpoint Type	Rural Dwelling
Viewpoint Sensitivity	Moderate
Scenic Quality	Low
Landscape Character Zone	Agricultural Plains
Overall Potential Sensitivity	Moderate

Scenic Quality Discussion

The surrounding area contains sparse and inconsistent patches of native and exotic vegetation. Pastoral elements dominate the view, and there is a high degree of human presence.

While some farm dams are present in the view, there are no significant waterbodies. There are also no unique or prominent landscape features such as ridgelines or gorges within the view and the landscape is typical of the broader region.

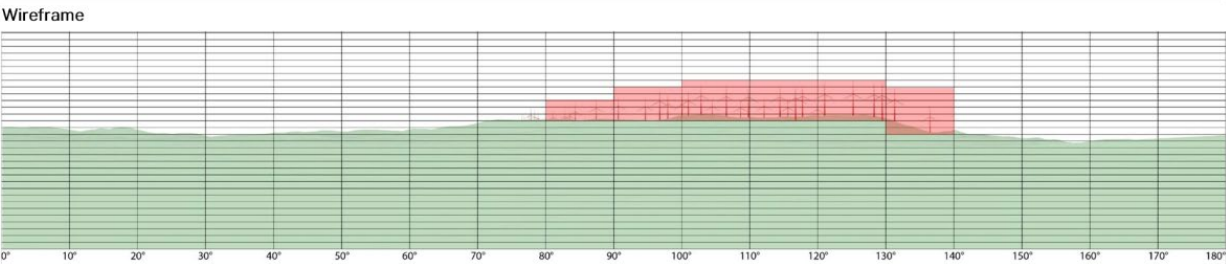
The landscape assessment also confirms that there are no remarkable landscape values within the LCA. As a result of this analysis, the scenic quality is considered low.

Magnitude

Occupied cells	33 cells
Magnitude	High

Impact Rating

Viewpoint in setback?	No
Impact Rating	High



A 180 degree photo visually recedes the turbines in the centre of the photo, which is why 60 degree photos are also supplied to the landowner – this is more what a real person will “see”. This study from 2019 reinforces the lack behind panoramic photomontages.

Results show that panoramic photomontages are perceived as the least accurate, while images taken at 75 mm focal length in full frame format are perceived as the most accurate form of representation of the scale and visual impact of wind turbines. These findings imply that the panoramic visualisation technique, which has been used for decades to predict the scale of wind turbines in VIAs, is ineffective in predicting accurately the visual impact of wind farms, and an alternative predictive technique is needed. For wind farm visualisations the use of 75 mm full frame image format is recommended in order to improve the accuracy, enable better informed decision making and avoid the loss of credibility of visualisations and VIAs.

Berill Takacs, Marisa C. Goulden,
Accuracy of wind farm visualisations: The effect of focal length on perceived accuracy,
Environmental Impact Assessment Review,
Volume 76,
2019,
Pages 1-9,
ISSN 0195-9255,
<https://doi.org/10.1016/j.eiar.2019.01.001>.

Whilst we understand your scope is not to assess the Guidelines themselves, utilizing the 2024 guidelines for visual magnitude and multiple turbines for a project that is under the 2016 guidelines, is detrimental to the community and non-associated neighbours impacted by this project.

The 2016 guidelines required a subjective decision by a real person, the 2024 version removes this - it comes down purely to numbers of grids. Numbers don't always reflect real experience.

For example, some photomontages from the Applicant:

Photomontage 01



Photomontage 01



The 2024 guidelines will utilize the 180 degree view (at top) where the turbines are not dominant, unlike the 60 degree view in the 2nd photo.

The Applicant will almost always ensure there is some existing vegetation blocking the view of some turbines from the location selected for an assessment photo. However, a home and

curtilage has multiple areas and turbines will be visible from different locations. The 2016 Visual guide states:

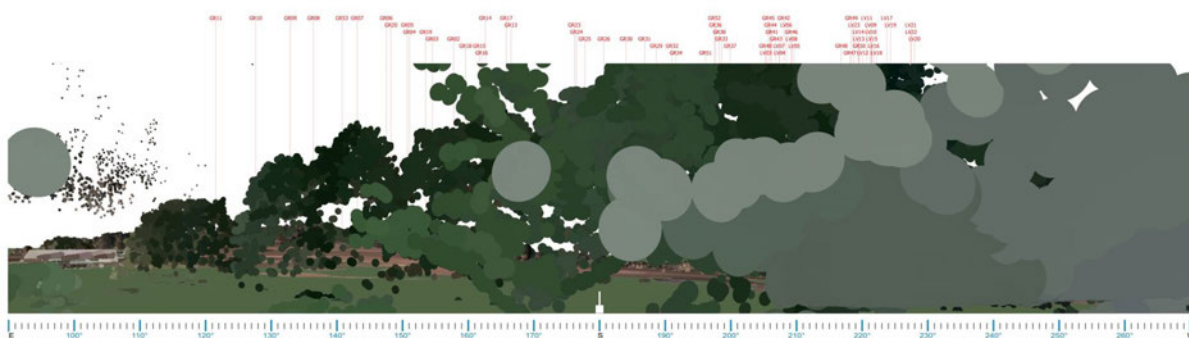
In addition to vegetation as a mitigation tool to screen views to wind turbines, consideration should also be given to the potential for existing vegetation to be lost, removing visual screening that may have been relied upon to ensure reduced visual impacts from wind turbines. Loss of vegetation can occur through circumstances such as trees falling over due to senescence, trees blowing over in wind storms, trees being chopped down, or trees burning down in bushfires.

The almost complete reliance upon vegetation screening in blocking views of turbines or as a mitigation strategy does not consider the guidelines above.

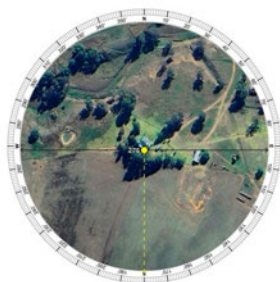
We also question the use of LiDAR for Visual Assessment. LiDAR is an option for the 2024 guidelines but only photomontages were listed for the 2016 guidelines.

For example, Residence 278 did not have a photomontage done (the Applicant never contacted the landowner for a photomontage) and only completed a LiDAR diagram, which shows large, frequent blobs of green (estimated foliage). The location of the view has been selected by the Applicant and may not be the most highly impacted according to the resident. Yet this view has been the one accepted and assessed by the Department. Even though this resident has 4 sectors of turbines visible and has 8 turbines within 3.35km, the LiDAR photo appears to have excluded this resident from a real life assessment by the IPC. Note this house is closer to the turbines than residence 277 that the IPC did visit.

LiDAR Overlay 02 Private Viewpoint (Dwelling 278)



Wire Frame Diagram with LiDAR Vegetation Overlay - 180 degree field of view



LiDAR Vegetation Overlay (Dwelling 278)

Location:	
360 Cedar Road, Cooran	
Coordinates:	
37° 34' 10.3415 S 145° 42' 10.3415 E	
Distance to Closest Turbine:	
1.8 km	
Viewing Direction:	
South	
Elevation:	
100m	
Representative Dwellings:	
278	

Activate Windows
Go to Settings to activate Windows.

In the Department's interview with the Panel:

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MR PEARSON: What's the visual impact from Coolah itself like, you know, the township? Is there anywhere in the EIS where that's discussed, or in the Assessment Report?

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MS BREWER: That would have been addressed in – I don't have a slide on that, I'm sorry – that would have been addressed in ACEN's EIS and landscape visual impact assessment. And we didn't consider that there were significant impacts from the township of Coolah.

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MR PEARSON: Is that due to distance or topography or ...?

MS BREWER: Both.

MR PEARSON: I presume distance primarily, would it be?

MS BREWER: I'd say distance and topography, and intervening vegetation. I think that that kind of contextual picture of what this area looks like, all of those

three factors play into the project being able to meet the visual performance objectives.

MR PEARSON: Okay. Thank you.

As the Commissioners are aware, the township of Coolah is situated in a valley with the town rising up the side of the hill to its west. The photomontages were taken from the valley floor on the edge of town, looking towards the Mt. Hope Cluster.



There is no photomontage towards the Girragulang Cluster, so we have no idea if it will be visible from Coolah or not.

The other photomontage provided by the Applicant is the view towards the Liverpool Range project from the valley floor.



We are not aware of ANY other town in NSW where the turbines are so visible from the town. If this is the case, why is Coolah being subjected to them, cumulatively, in at least 2-3 sectors and potentially 4 or more sectors if the Girragulang Cluster had been examined? Are we relegated to, once again, being 2nd class citizens because we were placed in a REZ without our consent?

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114. The Amended BDAR identified and assessed the suitability of a potential conservation site referred to as 'Tomahawk', comprising 217 ha of Box Gum Woodland. ACEN is continuing to explore additional and alternative suitable sites.

Paragraph 114 refers to Tomahawk, potentially obtained by the Applicant as offset for Box Gum Woodland. As local residents familiar with the site of Tomahawk, we are of the opinion that it is mostly sandy Ironbark and Sifton Bush country with a cleared portion.

We request independent verification that the land contains Box Gum Woodland before this offset is approved.

152. As shown in Table 8 the project would meet all the visual performance objectives in the Visual Bulletin for all residences within the black line, below. The Department is satisfied that the project is suitable for the site and would not cause any unacceptable visual impacts on the surrounding non-associated residences.

Paragraph 152 indicates there are no unacceptable visual impacts, however there remain 87 non-associated landowners within 4.95km of the project. This indicates the project is rejected by more landowners (87) than hosts (20) and associated neighbours (26), so we would like the IPC to consider that we, as non-associated residences find the visual impact unacceptable.

Whilst this is not mentioned in the Assessment, the matter of social licence and the underlying discontent of the community against this project was raised in the Applicant's interview with the panel.

With two projects in such close proximity there are still residents that are unaware of this project as when they hear "wind farm" they think of the Liverpool Range project which has been ongoing for almost two decades and is an approved project.

The residents who are aware of this project (unless they are a host or on a neighbour agreement) generally think that it is too much in one area and don't want the town surrounded.

In the Department's interview with the Panel:

- 20 In regard to aviation hazard lighting. The Civil Aviation Safety Authority, which
is known as CASA, it advised that the project is considered a hazard to aviation
safety and so it recommended that the wind farm is lit, and that 200-candler
lighting would be appropriate, considering the location of the project. So, ACEN
25 provided a lighting plan that accompanies the submissions report, which CASA
reviewed and it raised no concerns.
- The project is also partially located within 200 kilometres of the Siding Spring
Observatory and therefore falls within the Dark Sky Region covered by the Dark
Sky Planning Guideline. And the observatory requested that it be consulted
30 throughout the installation of the aviation lighting.
- So, the Department's recommended conditions requiring ACEN to install aviation
hazard lighting in accordance with those CASA requirements and in consultation
with the observatory, and in a manner that would minimise any adverse visual
35 impacts.

The applicant in their EIS stated that night lighting of turbines would not be required. CASA has stated in their agency advice, to every wind project, that turbine lighting will be required for aviation safety.

We believe all wind project applicants are using this tactic so they do not have to provide night lighting visual montages that can be commented on by the public during the exhibition period. We request that you refer this loophole to the Department to rectify.

Uarbry Tongy Lane Alliance Inc. wrote to the Department on numerous occasions about night lighting of turbines and requested visual montages of night lighting be prepared by the applicant and released for public comment. This was never done.

The Department also states in the Assessment:

Aviation hazard lighting

191. Under the *National Airports Safeguarding Framework, Guideline D – Managing the Risk to Aviation Safety of Wind Turbine Installations (Wind Farms) / Wind Monitoring Towers*, National Airports Safeguarding Advisory Group, 2012 (NASAG Guidelines) the Civil Aviation Safety Authority (CASA) must be notified if a proposed wind turbine or wind monitoring tower is higher than 150 m or infringes on the Obstacle Limitation Surfaces (OLS) of an aerodrome. CASA may determine, and subsequently advise an applicant and relevant planning authorities, whether it considers obstacle lighting is required for the project.
192. If such lighting is required, the NASF Guidelines recommend that to minimise visual impacts “obstacle lights may be partially shielded, provided it does not compromise their operational effectiveness. Where obstacle lighting is provided, lights should operate at night, and at times of reduced visibility. All obstacle lights on a wind farm should be turned on simultaneously and off simultaneously.”

Valley of the Winds Wind Farm (SSD-10461) Assessment Report | 41

193. ACEN's Aviation Impact Assessment (AIA) concluded that no obstacle night lighting would be required for the project to maintain an acceptable level of safety to aircrafts. However, CASA advised that the project is required to be obstacle lit and that 200 candela lighting would be appropriate considering the location of the project. ACEN prepared a lighting plan to accompany the Submissions Report. The Department's assessment of aviation safety is provided in Section 6.6 below.
194. The Project is located approximately 80 km south-east of Siding Spring Observatory and therefore falls within the Dark Sky Region covered by the NSW Government's *Dark Sky Planning Guideline*. A consent authority must consider this guideline for State significant development that is likely to impact the night sky and is within 200 km of the Observatory. The Department consulted the Observatory throughout the assessment of the project. The Observatory requested that ACEN consult them for the installation of aviation lighting.
195. The Department notes that the visual impact assessment considered the worst-case views of the project during the day. The addition of lighting is unlikely to change the impact assessment rating.
196. The Department has recommended conditions requiring ACEN to install aviation hazard lighting in accordance with CASA requirements, in consultation with the Observatory, and in a manner that minimises any adverse visual impacts.

With regard to Paragraph 195 - no night time montage was ever created, and the majority of residences have NO other lighting in visual range, so we believe the Department has not fully considered the impact. The addition of flashing lights will, in fact, dramatically alter the night views of residences far exceeding the 4.95km considered for visual impact.

From a cumulative impact stance, there are non-associated residences that will experience negative visual impact from night lighting from both this project AND the neighbouring Liverpool Range project. We don't believe that the cumulative impact from night time lighting has been considered by the applicant, or the Department.

Regarding the Applicant's interview with the Panel they referred to their office:

25 tried hard. We started our first community consultation drop-in event was in early 2020, and that might even be an image from it in the bottom right-hand corner. That's some of my colleagues there. And in the top picture, we've also got a picture just of the inside of our Coolah office. That's a community drop-in office that's been in Coolah since 2022.

The Liverpool Range project opened an office in Coolah that opened a few months prior to the Applicant's, which is manned at least 4 days a week. On the other hand, the Applicant's office is mostly unattended – sometimes it is open once a week for a few hours, sometimes not at all.

The applicant also referred to their Community Engagement Manager:

35 I guess, just drawing attention to the fact that we have a local Community Engagement Manager, which I think is fantastic, and she manages things locally across all our projects in the Central-West. We also have a specific Landowner Engagement Manager who goes out and consults with all our host landowners, which I think has been great as well. And he often splurges over into the community side as well.

There were numerous calls for the resignation of this Community Engagement Manager after her appearance at Birriwa Solar IPC where she laughed during landowners giving tearful and heartfelt testimonies.

And the Applicant's interaction with the community at their information sessions:

MR WENTRUP: I'm not sure if you said it, but we've had 11 community information sessions.

5 **MS RICHARDSON:** We have. That's been attended by over 250 people.

The community information sessions were invariably held during working hours, not considering those who work or farmers who were sowing/spraying/harvesting etc.

We question the 250 people – as we are aware that many of the same people go multiple times. Is this number 250 UNIQUE people? If not, that would appear to be obfuscation on the part of the Applicant.

Finally, from the Applicant's interview with the Panel, the Applicant attempted to downplay the rejection of their project by the community:

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MS RICHARDSON: I think interestingly as well, we received, I think, 105 comments or submissions at submission stage to the EIS. And we did some analysis on that, and I think 40% of those were local to the local area and based mainly around Coolah and the surrounds. So, you know, you're looking at 40%, so

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maybe 40 people as opposed to the 105 submissions the project attracted. So, I think it's always interesting to look at that local context as well.

These figures are incorrect. The Department in its interview with the Panel, said 55 of 94 objections were within 15km. This equates to 58.5% of the objections within 15km. 15km is basically neighbours only.

Local (those that will experience direct impacts) objections actually total 69.1% of the objections. Objections from residents in the CWO-REZ (who should ALL be considered as the impacts will be REZ wide) area total 77.6%.

The statement that only 40%/40 people is clear misdirection by the Applicant. Note that there are only 20 hosts and 26 landowners on neighbour agreements – and 87 landowners within 4.95km of the project that are still non-associated.

We believe these facts show the lack of social licence of the Applicant in the community, which give good cause to reject or at least heavily impose conditions of consent on to the Applicant.

RECOMMENDED CONDITIONS OF CONSENT:

We acknowledge Nicole Brewer's comments at the IPC meeting, that the Department's Recommended Conditions of Consent are "*outcome focused*" and "*the Department's conditions are not always specific to how that happens or details the mechanism by which that happens*". Yet the Conditions of Consent are the community's surety that the Applicant will do as promised. Vague, outcome based conditions and inferring "*intent*" as Ms. Brewer said, will NOT protect the community and non- associated landowners.

The community wants oversight by the Department who recommended the approval of the project, and penalizable actions. We need prescriptive, published limits that if exceeded will incur penalties. Our requests for data monitoring to be available publicly, online, in real time, and not just the supply of reports that may only impart part of the data, are also an accountability tool for the community.

Ms. Brewer also stated the Department was "*open to considering recommendations from the Commissioners on conditions of consent, subject to a consideration of their enforceability and workability*". Given the community and non associated landowners are having this project thrust upon them without their agreement, by the approval recommendation from the Department, then we believe the Department must also accommodate our requests for additional conditions of consent and it is their responsibility to ensure that they are able to enforce these conditions.

We are also somewhat disturbed at noting that many of the conditions of consent are identical to other SSDs in NSW. This indicates that the Department has not fully considered our community in their Recommendation, but has, instead undertaken a "tick a box" exercise – and that includes the Recommended Conditions of Consent. Do we, as a community that is highly affected by this development, not deserve to be fully considered as a unique entity, considering the project has been with the Department for a number of years now?

Please find below our comments and requests regarding the conditions of consent.

Micrositing-Restrictions

A8 "*Wind turbine and ancillary infrastructure may be micro-sited without further approval providing...*"

We request additional conditions :

A8 (h) [the micro-siting will not detrimentally effect any non-associated residence by adding to the number of turbines within the blue or black line.](#)

This will protect non-associated residences with turbines very close to the blue or black line

from additional noise/visual impact.

(i) the micro-siting for turbines GR2,3,4,5,6,7,8,9,10,11 and 53 cannot be in the direction of either the Tongy Aerodrome or the Turee airfield.

To restrict potential additional wake effects on aircraft operating from these airstrips.

Visual Impact Mitigation

B1 *“For a period of 5 years from the commencement of construction...”*

We request this be changed to

B1. *For a period of 5 years from the completion of construction...*

This will allow the full impact of the completed constructions to be experienced by non associated residences, particularly given an almost 4 year construction period.

B1 (c) *“consider bushfire risk”*

We request this be amended to include

B1 (c) consider bushfire risk including the preparation of a Bushfire Risk Assessment Report that complies to Planning for Bushfire Protection 2019 (or its most current version) and this report be provided to the landowner prior to undertaking the suggested mitigation.

This will ensure residents’ safety will not be impacted in the event of a bushfire.

We also request an additional condition

B1 (e) If vegetation screening is chosen as an appropriate mitigation measure by a non associated landowner, the applicant will plant advanced tree stock, include irrigation and provide appropriate care until fully established

The use of advanced tree stock will ensure the mitigation effect will be faster. By providing planting and irrigation to the trees, the trees will have their best chance of surviving. As the reason for the planting is to screen the applicant’s structures, the duty of appropriate care for the trees should not fall to the landowner.

We request another additional condition:

B1(f) not require the non-associated landowner to sign a neighbour agreement.

Lighting

B3 (d) minimise the visual impacts of any aviation lighting by implementing measures including as appropriate in the circumstances:

(i) partial shielding of lights

(ii) operating the lights only at night or during times of reduces visibility; and

(iii) turning the lights on and off simultaneously.

We request B3(d)(ii) be amended to the following, as recommended by CASA:

B3 (d) (ii) “installation of radar activated hazard lights or lighting being activated by low visibility measuring equipment. If the lighting fails, it should fail in the “on” condition until it can be rectified.

Shadow Flicker

B4 “The Applicant must ensure that shadow flicker associated with wind turbines does not exceed 30 hours per annum at any non-associated residence.”

There is no mention in the conditions of consent about the methods to monitor shadow flicker at non-associated residences. We request that additional conditions of consent be added:

- a) The applicant to advise the Department of the methods and equipment used to measure shadow flicker, the qualified professional who will undertake the monitoring and evidence of equipment being regularly tested for accuracy.
- b) The shadow flicker reports be provided to the Department each month for oversight and penalties applied for exceedances.
- c) The raw data be publicly available in real time.

Variation of Construction Hours (as presented to the IPC)

B7 “The hours of construction activities specified in Condition B5 of this approval may be varied with the prior written approval of the Planning Secretary...”

We request an addition condition of consent:

(f) limited to 12 events in a 12 month period

Given the extensive 42 month construction period, this will minimise additional impacts to non-associated residences.

Although presented to the IPC meeting, this was not addressed by the Department.

Construction and Decommissioning

B8 *“The Applicant must take all reasonable steps to minimise noise generated by the development during construction, decommissioning and road upgrade works, including any associated traffic noise.”*

We request the following conditions of consent be added

That the applicant is to

- a) monitor this noise at all times, with equipment that is checked for accuracy each month, and the raw data is publicly available, in real time.
- b) remedy exceedences immediately
- c) stop all work if data loggers become unserviceable, until loggers are repaired
- d) provide a monthly report to the Department for oversight, that is publicly available and the Department will apply penalties for repeated exceedences.

These conditions will encourage compliance to the guidelines and minimise the impacts to the community and non associated residences.

Construction and Decommissioning – Vibration (as presented to the IPC)

B10 *“the applicant must comply with the following vibration limits....”*

This condition has no reporting criteria to DPE and no criteria of who will undertake the measurements (professionals).

We request additional Conditions of Consent:

- a) The applicant to advise the Department of the methods and equipment used to measure vibration, the qualified professional who will undertake the measurements and evidence of equipment being regularly tested for accuracy.
- b) The vibration reports be provided to the Department each month for oversight and penalties applied for exceedences.
- c) The raw data be publicly available, online, in real time.

Operating Conditions – Blasting

B13 (b) *“operate a suitable system to enable members of the public to get up to date information on the proposed blasting schedule on the site and implement a protocol for investing and responding to blast related complaints”*

We request this condition include:

- i. Monthly reports of complaints and the applicant's response be made available to the public and submitted to the Department.
- ii. A high number of complaints will result in investigation by the Department and penalties applied.

And that 13(d) be changed to:

*B13(d) carry out blast monitoring to determine whether the development is complying with **Technical Basis for Guidelines to Minimise Annoyance Due to Blasting Overpressure and Ground Vibration 1990** (or its most recent version) and the relevant conditions of consent.*

We request this condition also be amended to include:

- i. The applicant to advise the Department of the methods and equipment used to measure blast monitoring and the professional who will undertake the measurements.
- ii. If data loggers become unserviceable, all work is to stop until loggers are repaired.
- iii. Raw data is to be available to the public, online in real time.
- iv. Reporting is to be provided to the Department monthly. Penalties will apply for non-compliance.

Operational Noise Criteria – Wind Turbines

B14 "The applicant must ensure that the noise generated by the operation does not exceed the higher of 35dB(A) or the existing background noise level (LA90 (10-minute) plus 5 dB(A) for each interger wind speed, measured at hub height, from cut-in to rated wind turbine generator power, at any non-associated residence."

And

*B16 "Within 6 months of commencement of operation (or the commencement of operation of a stage if the development is to be staged), the Applicant must
(a) undertake noise monitoring to determine whether the development is complying with the relevant conditions of this consent; and
(b) submit a copy of the monitoring results to the Department and the EPA."*

Because of the possibility of nuisance or potential harm to those in non associated dwellings, we request that B16 (a) include the following:

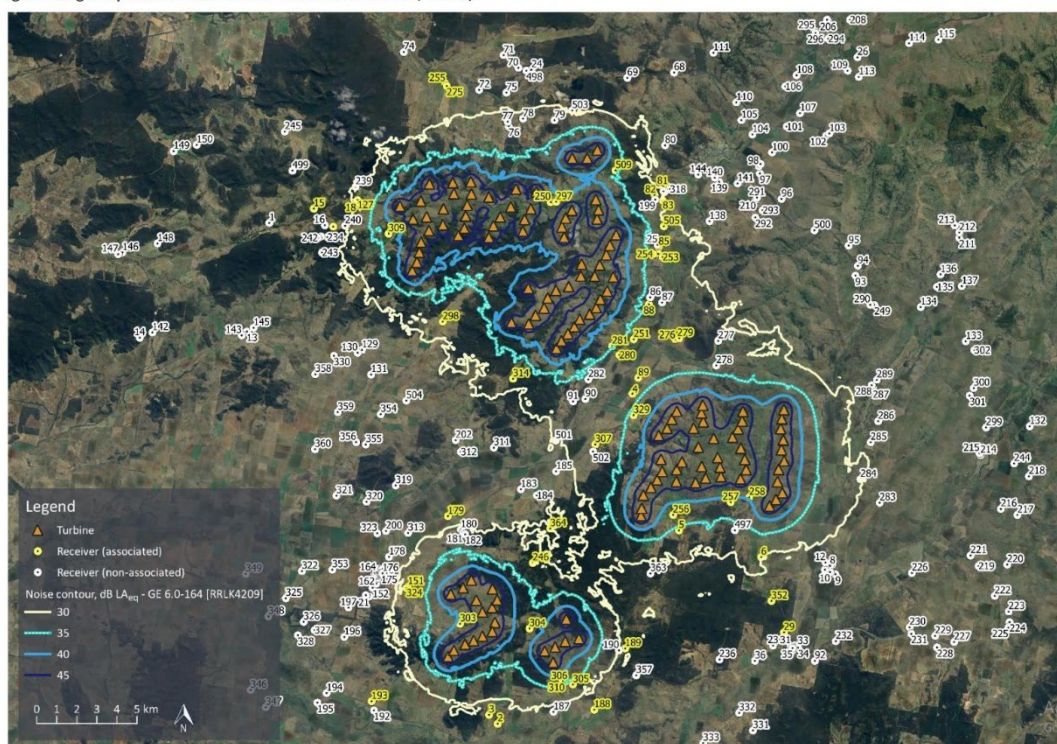
B16(a) undertake noise monitoring to determine whether the development is complying with the relevant conditions of this consent by installing noise monitoring equipment at willing non-associated residences within the noise contours within the 30dB lines. Equipment is to operate 24/7 (when turbines are operational). Monitoring equipment needs to be positioned*

as per the Noise Standard in the permit and photographic evidence be provided to landowners of noise loggers and locations. Monitoring data received is to be examined by a professional acoustician each month and the data should be separated into night (10pm to 7am) and daytime data. The monitoring data needs to be supplied to the landowner and

- i. include the raw noise data and SCADA (wind) data in a format that can be analysed by an independent acoustician;
- ii. include the before and after adjustments for tonality and low frequency noise and other special audible characteristics noise adjustments
- iii. no wake free wind be used – the wind speed is to be measured from the anemometer on the closest Nacelle(s) to the sensitive receiver (house), not from a wind mast outside the wind project which could potentially use wake-free wind which also pinpoints the wind direction and speed at hub height of all nearby turbines that could be contributing to the noise
- iv. It is requirement that a ground absorption factor of 0.0 to be used if the microphone height is 1.5m.

* 30dB(A) lines as per Applicant:

Figure 4: Highest predicted noise level contours for GE 6.0-164, dB LAeq



And that B16 (b) be amended to:

B16(b) *submit a copy of the monitoring results and raw data as outlined in (a) (i) – (iv) to the Department, the landowner who the results apply to and the EPA.”*

And the additional conditions of consent be included:

- i. Exceedance cases of more than 1 x per month will attract a penalty.
- ii. Repeated exceedances (eg. 6 times over a 6 month period) require a full investigation (see B17) into the noise level at said residence, with oversight by the Department and EPA.
- iii. Investigations in (ii) may result in the need for mitigation and/or turbines being turned off when they are likely to create exceedances to non-associated residences and will be required to be applied promptly.

Whilst our above requests to the Conditions of Consent for Operational Noise of Turbines appear detailed, the potential for nuisance to non associated residences by operational wind turbine noise is high, as evidenced in court cases in Victoria. The conditions requested will protect all parties concerned.

Air – as presented to the IPC

B18 “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.*

We request this condition is clarified by stating the Guideline which states what is acceptable levels of dust, fumes and blast emissions. We also request the Condition of Consent include the steps to be taken by nearby residences if they are concerned about exceedances and the expected actions by the Applicant in response.

The Department responded at the IPC that “*the Department sets the outcome that we want the Applicant to achieve. So that might be the blasting criteria or the air impacts*” We find the Department’s response inadequate to our concerns. By not imposing limits that can be monitored, assessed and penalised, the community is left at the mercy of the Applicant who can simply deny any exceedances.

Water Supply

B19. 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.

We request the following additions to this Condition of Consent B19:

- a) A Water Management Plan, detailing all sources and quantities of water be prepared and made publicly available and should include bore monitoring for water level and contamination on properties surrounding the project area.

- b) All bores utilised by the Applicant must be fitted with modern metering equipment, with satellite connectivity, to monitor water usage in real time.
- c) The Applicant must report water usage monthly to the Department for oversight and make these reports publicly available.
- d) If water usage exceeds limits in the Water Management Plan, the Applicant must stop the project while they scale back the development, advising the Department and the public.
- e) If local bores show evidence of water level drops or contamination during construction, the Applicant must stop work until the project's scale is amended, advising the Department and the public.
- f) the Applicant will be liable for rectifying contamination and for providing alternative water supplies while contamination exists at bores surrounding the project area.

We rely on bore water for domestic and livestock water. The projected usage by the Applicant is concerning as there is little detail provided about the estimated quantities of bore water it intends to extract.

Any bore water usage may interfere with non-associated landowners (and further afield than 4.95km), as well as the town of Coolah whose town water supply is bore water.

We are aware of contamination in bores near a wind project in Canada effectively rendering the bores unusable.

These additions will prevent excessive bore water usage and protect non-associated landowners and the wider community.

Heavy/OSOM Vehicles

B.30 The applicant must ensure that all high-risk heavy vehicles requiring escort....

We request this condition be amended to:

B30(d) All high-risk heavy vehicles requiring escort and heavy vehicles requiring escort must only travel on the Golden Highway, and/or any local roads, between the hours of 11pm and 4am.

OSOM vehicles will cause multiple delays along the Golden Highway, particularly as there are so few double lane/overtaking sections to allow OSOM vehicles to pull over and allow regular traffic to flow. Minimising OSOM movements to overnight hours, there will be less impact to local/regular traffic.

Site Access

B31. *the Applicant must ensure that vehicles associated with the development access the site... as identified in Figure 2 of Appendix 5 unless otherwise agreed by the Planning Secretary and in consultation with the relevant roads authority*

We request this be added to the end of condition B31:

,the local Council, local landowners and community members.

This will ensure changes (unless otherwise agreed) have the approval of the people most affected.

Likewise, we request

B32. *Figure 2 of Appendix 5 at any time except for emergency purposes, unless the Planning Secretary agrees otherwise.*

have this added to the end:

following agreement with the local Council, local landowners and community members.

Approvals and Upgrades for Heavy Vehicles Requiring Escort

B34. *Prior to commencing transport of high-risk heavy vehicles requiring escort larger than 6.3 m in height or exceeding 5.8 m in width, or for blade length longer than 85m, the Applicant must prepare a Transport Strategy, in consultation with TfNSW and relevant Councils, to the satisfaction of the Planning Secretary.*

We request this be amended to

B34. *Prior to commencing transport of high-risk heavy vehicles requiring escort larger than 6.3 m in height or exceeding 5.8 m in width, or for blade length longer than 85m, the Applicant must prepare a Transport Strategy, in consultation with TfNSW and relevant Councils, local landowners and community members, to the satisfaction of the Planning Secretary.*

This will ensure those most impacted will have input into the Transport Strategy.

Traffic Management Plan

B38. *Prior to commencing road upgrades identified in condition B34, the Applicant must prepare a Traffic Management Plan....*

We request this be amended to:

B38. *Prior to commencing any upgrades identified in condition B34, the Applicant must prepare a Traffic Management Plan for the development in consultation with TfNSW, EnergyCo, local emergency agencies and Warrumbungle Shire Council, seek feedback from affected landowners and community members, and to the satisfaction of the Planning Secretary.*

And the following be amended:

B38(c) (iv) *notifying the local community about development-related traffic impacts 28 days prior to commencement and with a clear timeline stated. Repeated delays will attract penalties.*

B38 (c) (vi) *minimising potential cumulative traffic impacts with other projects along the access route, including consultation with TfNSW and EnergyCo regarding their projects based on the Government's Cumulative Impact Assessment findings and mitigation measures.*

B38 (c) (vii) *minimising potential conflict with rail services, stock movements, school buses and other road users as far as practicable, including preventing queuing on the public road network acknowledging that livestock movements have the legal right of way.*

We also request an addition condition of consent section under TRANSPORT :

- a) Failure to comply with the conditions stated from B30 to B38 will result in penalties being applied and the potential for the Applicant's project approval being revoked.
- b) Any incident that results in the damage of private property or loss of livestock, in which a project associated vehicle is involved, at fault or not, will require the Applicant to pay for any associated costs of repair and/or replacement and/or cover lost income as a result of the incident.
- c) If a project associated vehicle is found to be involved in an "at fault" incident the Applicant will be subject to penalties.
- d) The Applicant must make available a minimum of five appropriately trained staff, for the whole period of construction to attend emergency road accidents with the local volunteer agencies.

Hazards

Conditions B45-B55

Given the remote location of the turbines and the BESS, and the fact that there are no permanent fire fighting staff in Coolah, the applicant should be solely responsible for the firefighting and safeguarding any non-associated neighbours from fire encroaching onto their land.

We request that additional conditions of consent be included in this section

- a) That the applicant ensures they have enough trained firefighting staff on hand to deal with any fire that may arise from a wind turbine explosion/catching fire and/or from a BESS lithium fire.
- b) In the case of a grass or bush fire the Applicant's trained firefighting staff will assist the RFS with firefighting efforts if the fire is near to or on the development site.
- c) In the case of bushfire within 20km of the development site, the turbines and all ancillary structures are automatically turned off so that any firefighting efforts are not impeded, or the situation made more dangerous.
- d) That the Applicant takes responsibility for emergency services provision for their workers and the project area and not rely on volunteer emergency services.
- e) The Applicant will reimburse any non-associated landowner out to 8km from the project boundary who experience increases in fire and/or hazard insurance premiums due to proximity of the project.
- f) The Applicant will reimburse any non-associated landowner out to 8km from the project boundary, who are required to obtain higher levels of liability insurance than they historically held, due to proximity of the project.

B61 Decommissioning and Rehabilitation – as partially presented to the IPC

We note the presentation at the IPC meeting by Grant Piper who recommended pier-type footings rather than mass gravity foundations. The pier system requires much less concrete and leaves a much smaller footprint after turbine removal. We also note the Applicant brushed this suggestion off at the end of the meeting.

We request this be fully investigated by the Applicant and the Department to ascertain if this is possible, prior to a decision on the project being made by the Commission.

Table 3 Rehabilitation Objectives

Above ground wind turbine infrastructure (excluding wind turbine pads)	<ul style="list-style-type: none">To be decommissioned and removed, unless the Planning Secretary agrees otherwise
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We request this to be changed to simply:

To be decommissioned and removed.

The aim of decommissioning is to remove all infrastructure so the land can once again be used for agricultural purposes. There is no reason for the wind turbine infrastructure to be left in-situ if the operations of the facility have ceased. Any potential for the turbines to remain in place, if the development is no longer operating will be an ongoing negative impact to the community, extending past the life of the project.

Wind turbine pads	• To be covered with soil and/or rock and revegetated
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We request this to be changed to:

To be covered with a minimum of 1m of topsoil and revegetated.

As farmers, we are aware that all soil is not the same. Soil taken from a depth and/or rock will take decades to show reasonable growth. Changing to topsoil to a 1000mm depth will ensure the vast size of the turbine pads will at least produce herbage for livestock, even though they will never grow a tree again.

We note the Department responded to this request at the IPC meeting with *“in particular to comments made around how deep the soil would need to be over the foundations, the conditions do talk to it needing to be covered and that the area is revegetated. So the ultimate outcome I guess is that the community was seeking that they are able to be revegetated is the intent of the condition”*. However this is incorrect.

Stating *“to be covered with soil and/or rock and revegetated”* in no way infers that the soil should be fertile and even states that rock is acceptable.

The community fears without sufficient detail that the Applicant will dump a load of rock or some sterile soil, place some seedlings on it (which will die shortly thereafter with no base to grow in to) and say they have met the conditions.

As far as quoting a depth, sufficient fertile soil is needed to reestablish pasture for livestock. For example, lucerne, a major perennial forage legume grown in the district (both as a crop and in pasture), has a deep tap-root system, which can sometimes stretch 15 metres. White clover, commonly used in pasture in the district has roots that will reach 61-76cm. Requesting a 1m depth of fertile soil is not unreasonable.

Notification to Landowners

C13 *“Prior to the commencement of construction, the Applicant must notify any non-associated residence within 4.95km of any approved wind turbine of their rights under Condition B1”*

We request the following be added to this condition:

by registered mail to the mail address as listed with Council

This will ensure all landowners receive notification.

Access to Information – as partially requested at IPC

C15 “*The applicant must (a) make the following information publicly available on its website as relevant to the stage of development...(viii) a complaints register...*”

We request the following conditions be added to C15(a)(viii):

- a) A regular report of the complaints and their resolution, including the complete complaint, date the complaint was made, the action taken by the Applicant, the date such action was taken and the current status of the complaint.
- b) In the case of multiple complaints on similar topics in a 6 month timeframe, the Department will investigate

The inclusion of these conditions will ensure the complaints procedure remains valid and not subject to systemic failure.

We also note from the Department's interview with IPC the following pertaining to Condition C15 (iv):

45 **MR PEARSON:** ... C15. This is the Fire Safety Study and Emergency Management Plan aren't published. And if you've got a community that's concerned about bushfire, why would you not make ...

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MS BREWER: So, the requirements – oh, sorry.

MR PEARSON: No, no, you go on.

5 **MS BREWER:** All right. The Fire Safety Study and the Emergency Plan contain information that the fire authorities have recommended isn't published, and so that is an approach that we've taken to be more specific in the conditions around that.

10 **MR PEARSON:** Yes, I just find it a bit odd that you wouldn't be letting the community know what's going to happen in the event of a bushfire, essentially, if it's one of their key concerns with the project. I don't really understand why those things need to be secret. You're saying it's on advice from the relevant authorities. I'm just wondering what's in those plans that the community shouldn't know about? Do you know what I mean?

15 **MS BREWER:** Yes.

MR PEARSON: Like, wherever possible, I think to be transparent is important.

20 **MS BREWER:** Look, I mean, I'm happy to discuss that further, I guess, in the conditions, you know, in the conditions discussion?

We request that the Fire Safety Study and Emergency Management Plan also be made available to the public.

Written Incident Notification and Reporting Requirements – as requested at the IPC

Appendix 8. *“Within 7 days of the Applicant making the immediate incident notification (in accordance with condition C10), the Applicant is required to submit a subsequent incident report....”*

We request an additional condition :

(k) the incident logs and reports as supplied to the Department also be available to the public

Whilst the Department stated at the IPC meeting *“there are a number of recommendations about accessing information and I note that the Conditions already include provision of the monitoring and the independent audits to be made available”*, not ALL monitoring or reports

have conditions that require them to be made publicly available. The above is one such that the Conditions do not specify to be made available to the public.