



**NAME REDACTED**

**OBJECT**

Submission No: 164552

Organisation:	<i>Friends of Kentucky Action Group - a sub-group of RED4NE Inc</i>	<b>Key issues:</b> <i>Energy Transition, Biodiversity, Visual impacts, Traffic and transport, Noise and vibration, Heritage, Agricultural impacts and land use, Social and economic, Physiological - infrasound noise / electromagnetic interference / shadow flicker / blade glint</i>
Location:	<i>New South Wales 2354</i>	
Submitter Type:	<i>I am a member of the local community who would be particularly and directly affected by the proposed development</i>	
Attachment:	<i>FOKAG Submission SSD-10807896.pdf</i>	

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*Please see our attached document.*



**Submission to the  
Independent Planning Commission on  
Thunderbolt Wind Farm SSD-10807896**

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## 1. Introduction

Friends of Kentucky Action Group are a sub-group of Responsible Energy Development for New England (RED4NE) Inc. We currently have 62 member households and growing.

Below are key issues about which community members have expressed concerns on this project. In each section, we outline the concerns, how they impact our community members, their businesses or our environment, and conclude with a recommendation we would like the IPC to require of the developer.

We have prepared a total of 22 recommendations for your consideration. We thank you in advance for your serious, expert, independent consideration of our submission.

## 2. Biodiversity – critically endangered and irreplaceable

This site has critically endangered natural assets under the federal Environment Protect & Conservation Act (1999).

This means they are a high priority for protection and maintenance of habitat connectivity because fragmentation is a key threatening process. Wind farm infrastructure fragments landscapes significantly. See <https://www.youtube.com/watch?v=KVpIII--bY> for quality drone imagery of fragmentation by this developer in far north Queensland.

The project site contains:

- |   |  |
|---|--|
| 1. Box Gum Grassy Woodland (critically endangered)                                  | 4. Carex Sedgeland (endangered ecological community) |
| 2. New England Peppermint Grassy Woodland (critically endangered)                   | 5. Spotted Harrier (vulnerable)                      |
| 3. Ribbon Gum – Snow Gum – Mountain Gum woodlands (Endangered Ecological Community) | 6. Little Eagle (vulnerable)                         |
|   | 7. Square Tailed Kite (vulnerable)                   |
|   | 8. Koala (endangered)                                |
|   | 9. Bell’s Turtle (endangered)                        |

Species likely at or around the site depending on time of year and other factors (Steve Debus, pers comm, 2024):

- |  |   |
|--|---|
| 1. Swift Parrot (critically endangered)      | 10. Black-chinned Honeyeater (vulnerable) |
| 2. Regent Honeyeater (critically endangered) | 11. Painted Honeyeater                    |
| 3. Latham’s Snipe (vulnerable)               | 12. Grey crowned Babbler                  |
| 4. Black Falcon (vulnerable)                 | 13. Varied Sittella                       |
| 5. Barking Owl (vulnerable)                  | 14. Dusky Woodswallow                     |
| 6. Little Lorikeet (vulnerable)              | 15. Scarlet Robin                         |
| 7. Turquoise Parrot (vulnerable)             | 16. Fame Robin                            |
| 8. Brown Treecreeper (vulnerable)            | 17. Hooded Robin                          |
| 9. Speckled Warbler (vulnerable)             | 18. Diamond Firetail                      |
|  | 19. Bell’s Turtle                         |
|  | 20. Koala.                                |

Tree clearing creates emissions, and counters carbon storage. This is at odds with the aim of renewables projects. While renewable energy projects are equated with sustainability, the

biodiversity impacts they necessitate is counter to ecological sustainability during the current extinction crisis.

The proponent has **not followed the Avoid>Mitigate>Offset hierarchy** of biodiversity protection.

For example:

1. Neoen should **AVOID** developing areas in the vicinity of turbines 22, 23, 24, 25 and 28, or anything with a Vegetation Index Score >70, to avoid fragmentation of these large areas of relatively intact habitat. Species such as Hooded Robins need >200 ha to breed.
2. Neoen should **MITIGATE** where some damage has been done, for example, monitoring and reporting bird and bat strike and publishing this data online monthly would enable mitigating activities to take place once operational.
3. Neoen should use the **OFFSET** option only as a last resort, and ensure offsets are as close as possible to impacted areas.

The **NSW Koala Strategy** (2023) indicates Armidale, Uralla, and Walcha areas are Regions of Koala Significance and 'refuges' for many species under climate change. This presents a clear land use conflict emerging from the same government department at the time the Renewable Energy Zones were declared (the then Dept Planning & Environment).

Despite the federal Act being triggered, the federal Department was not asked to review the development application (DA) because of an agreement between the State and Federal Government departments.

However, the community has an expectation and a right to have the federal department review the DA, because it enables a second 'checkpoint'. This is important in this situation, because of the clear land use conflict and therefore the clear conflict of interest held but not made transparent by the NSW State Government.

Well-known local ecologist and ornithologist Steve Debus is of the opinion there is a pressing need for much more diligent assessment of wind farm proposals with respect to biodiversity impacts, siting, and threatened species (Steve Debus pers comm with Karen Zirkler, March 2024). Mr Debus says intact native woodland should NOT be cleared, and that renewables projects should be sited on already cleared land.

- 1. We recommend the project is rejected based on inappropriate siting which has potential to irreversibly damage critically endangered natural assets in a climate change refuge area.**
2. We recommend the Federal Department be asked to review the development application given the EPBC Act (1999) was triggered.
3. We recommend removal of turbines 22, 23, 24, 25 & 28 to avoid fragmentation of large areas of remnant vegetation.
4. We recommend any development consent requires turbines to be equipped with modern radar capabilities that detect eagles and turn turbines off.
5. We recommend any development consent requires decommissioning high strike turbines that are identified through compulsory monthly monitoring and publishing of bird and bat strike counts and locations.

6. We recommend any development consent requires any offsets to be found adjacent to the impacted areas.

### Koalas and infrasound

Koalas use infrasound to find mates across large distances. Researchers at James Cook University recently raised the alarm about the impact of infrasound emitted from large wind turbines on koalas:

“Individuals rely on their low frequency contact calls and their great auditory acuity to locate conspecifics. The legislation controlling these developments (the EPBC Act, 1999) predates wind turbines and the amount of low frequency noise that turbines can inflict on wildlife is unregulated. There is an urgent need for scientific investigation of this noise and its wildlife impacts. We suggest that wind turbines could pose a threat to the viability of koala populations...”

(Source: Roger Martin & Richard Hopkinson, (March 2024) *Potential Impacts of Wind Turbine Noise on Upland Koala Populations in FNQ*, James Cook University Centre for Tropical Environmental and Sustainability Science at <https://www.youtube.com/watch?v=KVpIIIlt--bY> )

Importantly, the EPBC Act (1999) predates wind turbines, and the noise they emit is unregulated. Turbines are increasing in size fast - see <https://youtu.be/QOGca05AD0Q?si=15fzaIMXeuoeNjR1> for footage of one blade en route. These researchers suggest urgent scientific investigation of this noise on all wildlife.

On one hand, the NSW Government indicates Armidale, Uralla, and Walcha are Regions of Koala Significance and ‘refuges’ under climate change (NSW Koala Strategy, 2023), yet on the other hand, the NSW Government has declared this very same area a Renewable Energy Zone, with potential impacts such as can be seen at <https://www.youtube.com/watch?v=KVpIIIlt--bY>, all the while, neglecting to conduct a proper assessment process and hold the proponent to account.

7. We recommend the project is rejected until the impacts of infrasound especially on koalas and other endangered wildlife are given further research consideration.
8. We recommend the NSW Government be asked to implement urgent statewide land use planning to clearly identify ‘no go zones’, where wind farms are not appropriate and will not be considered.

### Endangered Bell’s Turtle not considered

Endangered Bell’s Turtles are frequent across the project site and in creeks and dams on neighbouring properties and crown land (local ecologist, pers comm, 2024).

They are in significant numbers in the large dam on Pine Creek, which Neoen plans to pipe water from for a concrete batching plant. This would significantly impact the populations and breeding success. Project creek crossings will increase turbidity in streams, impacting survival of the turtles.

There has been **no consideration** of this species by Neoen in their EIS nor by the Department in their Assessment because they did not conduct aquatic biodiversity surveys.

**9. We recommend the proposal is rejected based on inadequate biodiversity compliance by Neoen, and assessment of the EIS by Department of Planning, leading to unacceptable future risk of legal action.**

**10. We recommend any Development Consent does not approve use of the dam on Pine Creek for piping water to the batching plant, and requires Neoen to find an alternative water source.**

### **3. Wildfire risk beyond risk tolerances**

For near neighbours of the project and for the village of Kentucky, a fire coming through or from within the project area under prevailing westerly winds will be terrifying:

- Aerial support will not be possible due to a 3 km no-fly zone around turbines.
- Local ground crews are likely to be prevented from suppressing fire within the project site, due to owner sensitivities, despite fire fighter 'entitlement of entry' to suppress fire.

By the time a fire originating on the western boundary of the development reaches the New England Highway to the east, the fire front could possibly be 9 km wide. This would then pose a significant risk of fire impact within an hour, to the closely settled district of Kentucky and Kentucky village.

**11. We recommend the proposal is rejected based on inappropriate siting and unacceptable levels of risk to natural and built environments, and human life due to wildfire.**

**12. We recommend any Development Consent requires a 3 km buffer zone between turbines and the New England Highway to enable aerial water bombing along this national transport route.**

### **4. Buffer zones inadequate**

Wind farm operators should not use neighbour's land as their buffer zone. Neoen should be required to site turbines at least 2 km from neighbour BOUNDARIES, rather than just neighbour houses. The presence of a turbine closer than 2 km from the neighbour's boundary limits the future use of the neighbour's land for their choice of business or lifestyle, including siting of any new dwelling they may choose to develop.

**13. We recommend the Development Consent require siting of turbines at least 2 km from neighbour boundary fences**

**14. We recommend any Development Consent requires a 3 km buffer zone between turbines and neighbour residences, to enable aerial water bombing of homes and farm infrastructure in case of wildfire.**

### **5. Neighbour negotiations non-existent**

Neoen may have worked well with host landholders, but many direct neighbours have not been directly consulted nor negotiated with regarding their concerns, even when Neoen was invited to do so in small groups of neighbours. Neoen promised to do this when it was 'courting' the host landholder group, but it has not happened.

Those neighbours located immediately across the New England Highway do not seem to be considered immediate neighbours by Neoen, who prefer to consider the Highway land the immediate neighbour. This is an excuse for not doing some difficult negotiations.

Most immediate neighbours have NOT been offered a **neighbour agreement** or been given the opportunity to negotiate turbine layout to ameliorate direct impacts. Maps of the project have been obtuse and cover some neighbour properties with inset maps.

**15. We recommend the project is rejected until the proponent conducts meaningful negotiations with all immediate neighbours of the project (including those immediately across the New England Highway). This negotiation should allow for adjustments to turbine layout to alleviate neighbour concerns.**

## 6. Public liability insurance not available

Recent investigations by NSW Farmers suggests landholders neighbouring such expensive infrastructure **cannot** currently source public liability insurance to cover the risk of accidental fire burning into the project area (NSW Farmers, March-April 2024, “Solar Exposes Insurance Blackhole”, pp. 25-29, The Farmer Magazine). See article at <https://thefarmermagazine.com.au/public-liability-insurance/>

**16. We recommend the development is rejected until affordable public liability insurance for neighbours is available from an Australian provider.**

**17. We recommend any development consent requires the proponent to cover public liability insurance premiums for all neighbours whose property falls within 10 km of the boundary of the project infrastructure and that this condition applies even if that property is sold.**

## 7. Poor community consultation

Neoen refused to conduct community forums where community members could hear each other's questions and generate discussion, despite numerous requests. Instead, Neoen ran drop in 'information' sessions in Uralla, 20-60 km from all neighbours of the project, during Covid restrictions.

The only potential opportunity community members had to talk to Neoen's technical consultants were with two online zoom meetings held in September 2021. Community members attended each of the Zoom meetings expecting finally to talk to Neoen's consultants from Umwelt who were conducting the EIS studies.

However, during the Zoom meeting, Neoen deliberately muted the microphones of the community members so that no one could ask any questions. The only way we could communicate was by typing into the chat box. The only people that were allowed to speak were Neoen staff and their consultants. Thus the organisation doing the 'consulting' has deliberately muted community members so they could not participate in a discussion. This is what Neoen calls "community consultation".

With this kind of attitude to community engagement by Neoen, very few community members have been afforded their right to know details of the project, ask questions and have input. It is for this reason our group has been so active in alerting and updating the community. This should not have to be our role. We are exhausted, and this is just the first project in our region!

**18. We recommend the project be rejected, and the proponent required to conduct best practice community engagement under the new NSW Wind Farm Guidelines (2024) before re-submitting the project for approval.**

## **8. Poor Aboriginal consultation**

This proposal is in the transition zone between Anaiwan and Gomeroi country and not all relevant Aboriginal communities have been consulted.

Our group objects to the Development Consent enabling the developer to move cultural heritage that is 'in the way' to another location. It defies our understanding how this approach could be appropriate or acceptable to Aboriginal Traditional Custodians.

This concern is supported by Sunrise Group Aboriginal Corporation, who contacted one of our group members on 6 March 2024, stating serious concerns that traditional owners have about minimising the environmental impacts of these projects. Their concerns included:

- the lack of engagement about the impacts on catchment management and the correct cultural protocols for engaging Aboriginal communities within sensitive cultural areas
- the benefits and outcomes for Aboriginal people because of the project proposals
- the need to do more on-ground cultural work including but not limited to identifying physical objects (artefacts) within the areas.

Our group member asked if the appropriate Aboriginal group were engaged in relation to the Thunderbolt Project but the Sunrise representative was not aware if this was the case. The representative was made aware of the IPC Public Meeting at Kentucky, but he was unable to attend at such short notice. There has been a clear failure of process in this regard.

**19. We recommend the project is rejected until such time as the proponent properly engages with all relevant Aboriginal communities.**

## **9. Community Benefit Fund mechanism inappropriate**

Neoen has negotiated a Community Benefit Fund mechanism that will significantly adversely impact the small communities surrounding the project including Kentucky, Wollun, Bendemeer, and Balala.

Neoen has negotiated the arrangement as a [Voluntary Planning Agreement](#) with both Uralla Shire Council and Tamworth Regional Council because the project sits across the boundary. Essentially each council is only bound to spend 33% of their share on the directly impacted communities.

Why were our communities not asked for their input on this arrangement? A philanthropic arm of Bendigo Bank, based in another State, is proposed as the grant administrator, when there are suitably appropriate and experienced local NFP organisations who could do the job. Other development proposals in our region have successfully negotiated a community organisation to manage the Community Benefits Fund. Neoen has again failed to properly consult the community on this mechanism.

Our group rejects this VPA proposal wholly based on being procedurally and monetarily unfair.

20. We recommend that prior to approval, Neoen be required to negotiate and implement a Community Benefit Fund Model where tenders are called for a suitably qualified and structured, local NFP entity to administer the Community Benefit Fund. One project – one community – one trusted, local fund administrator. The proponent must allow for an administrative fee to be charged by the entity.

## 10. Noise assessment non-compliant

Wind Turbines produce audible sound which is measured and must comply with approvals. They also generate low frequency or 'inaudible' sound and infrasound. The claim that infrasound is swallowed up by background noise is incorrect. The way wind farm acoustics measurements are used to 'flatten out' data supports that claim, when in fact low frequency and infrasound generated by wind turbines is distinct, easily measured and should not be flattened out for the convenience of operators.

Infrasound is measured on behalf of the German Government in Bavaria by the Federal Institute of Geo Sciences and Natural Resources as part of a network monitoring for nuclear explosions.

In 2004 scientists measured infrasound from a single small (0.2 megawatt) wind turbine to identify how far infrasound omissions could be registered from the source. From that data, scientists (Dr Lars Ceranna ) calculated that larger wind turbines (5 megawatt) would generate a detectible infrasound signal for up to 20 kilometres.

The Thunderbolt Wind Farm Noise Assessment report 2024 states:

- Sonus assessed low frequency noise and found it to be insignificant
- The Department stated it is satisfied that any low frequency noise impacts would be minor and acceptable.

How could Sonus assess the low frequency noise before it has been built?

An independent assessment of the noise component of Neoen's EIS by Les Huson & Associates found the EIS Noise report was non-compliant with current legislation. This report was provided with our objection to the EIS, however its contents clearly have not been adequately considered. What risk is the NSW Government opening itself to by passing over this important information?

FOKAG does not accept an EIS Noise and Vibration Assessment which is deficient in assessing all types of audible and inaudible noise generated by large wind turbines. The Sonus Noise Assessment stated that the actual wind turbine model has not yet been identified so their noise assessment is not only deficient but also based on an unknown key element.

Further, wind development operators refuse to acknowledge any noise problems. They ridicule it as hysteria and NIMBYism. However, in 2022, The Victorian Supreme Court Uren v Bald Hills Wind Farm Pty Ltd found against Bald Hills with respect to Noise Nuisance.

In March 2024 in Ballyduff Ireland, a court made findings against a Wind Farm as follows:

- The defendant cannot rest its laurels on the proposition that the generation of renewable energy is a socially valuable activity which is in the public interest to

continue. There is not a binary choice to be made here between the generation of clean energy by the wind farm and a good night's sleep for its neighbours.

- Planning compliance does not determine if wind turbine noise is reasonable or a nuisance.

Government is failing in its Duty of Care and leaving it to the Courts to decide while operators hide behind claims of compliance.

**21. We recommend the project is rejected, pending identification of the exact wind turbine model to be used and the completion of a pre-construction Noise Assessment of that model.**

**22. We recommend the IPC require the Thunderbolt Wind Farm EIS Noise Assessment be referred to an independent expert body to provide an impartial assessment of the noise and vibration impacts of this development.**

## **11. Shadow flicker impacts**

The Development Consent states the proponent should ensure that shadow flicker does not impact residences for more than 30 hours per year. This development is high in the landscape and impacts residences to its west with shadow flick from the rising sun, and residences to its east with shadow flicker from a setting sun.

We have two concerns:

- 30 hours per year is too much when the impacts of shadow flicker on people with certain health conditions are considered. These people need a guarantee of zero hours.
- The document does not make any reference to shadow flicker requirements for other parts of impacted properties, where those landowners may wish to place future developments (e.g. tourism facilities) that should remain free from shadow flicker.

**23. We recommend any Development Consent requires the developer to ensure shadow flicker does not impact nearby properties.**

## **12. Turbine lighting impacts**

The Development Consent states turbines will be lit with steady red lights. Our community members have expressed concerns about turbine lighting and how this will impact wildlife as well as their business operations.

Red light flicker as blades pass the lights will be a problem for anyone in line of sight at night, including those travelling along the New England Highway either northbound or southbound. This could be very dangerous for road users due to the undulating nature of the highway in this landscape.

Nocturnal wildlife, particularly bats and microbats which are common in our region, will be attracted to the turbines in search of insects, which will be attracted to the lighting. This increases the likelihood of blade strike significantly.

Kentucky is home to several Bed and Breakfast businesses and several farms are Hipcamp (or similar) hosts. Night lighting on the turbines will be visible to ALL these local businesses. While they all boast quiet, peaceful surroundings and dark night skies, one in particular has a business model based on peaceful, tranquil surroundings with no devices, no television, and the ability to immerse in a natural environment with full views of the dark night sky.

**24. We recommend the IPC requires the developer to consult with NSW Transport, key residents, and tourism businesses in the area to negotiate turbine layout that mitigates dangers to New England Highway users, local residents and local tourism business operators.**

### **13. New England Highway impacts**

We recall that at the IPC Public Meeting, Commissioners asked Neoen to explain how they intended to alleviate Local Government concerns, which include gravel and water sourcing and the impact of transporting these on local roads. Neoen explained they were investigating a quarry on the site.

However, this was not the whole truth. After the meeting, members of our group were informed by other community members that Neoen had already secured a contractor in Newcastle to provide the sand for the batching plant and that this contractor had contacted a local transport company seeking a contract to transport the sand from Newcastle to the site. Being a small community, we wish to keep the names confidential.

Transporting this amount of resource from Newcastle would create significant heavy vehicle impact and unacceptable congestion on our roads.

This many heavy vehicle movements were not appropriately accounted for in the EIS or the Assessment report.

**25. We recommend the project be rejected based on unacceptable number and weight of heavy vehicle movements and congestion on a national transport route.**

### **14. No Decommissioning and Rehabilitation Bond**

Neoen should be required to pay into a government sponsored BOND system as a way of guaranteeing funds will be available for the decommissioning and rehabilitation of the land.

This system was implemented in the mining industry after it became clear that mine sites were being left by mine developers without rehabilitation, which caused immense issues for surrounding communities when the developer walked away leaving their mess. An example is the Woodsreef Asbestos Mine, just 70 km from proposed Thunderbolt Wind Farm. This has been a monumental disaster.

Unless this is implemented, the wind development could be sold numerous times without oversight of contractual conditions for decommissioning, potentially leaving the landowner and the broader community with the cost, or a permanent eyesore that slowly deteriorates over time. This bond system should be implemented and operational BEFORE this project is approved.

**26. We recommend the IPC reject the proposal until the NSW Government puts in place a decommissioning and rehabilitation bond for wind projects.**

## 15. Procedurally unfair – communities under strain

Much onus has been placed on our community group to communicate the Department of Planning's State Significant Development process, the importance of the process and the content of the process with our local community. This is because of

- poor consultation
- lack of best practice community facilitation techniques
- lack of procedural fairness
- short government timeframes, and
- lack of internet access in our regional locations.

The burden of this volunteerism has taken a huge toll on members' time, and mental and health. We are exhausted.

A further 26 even larger developments are in the scoping or planning pipeline in the Uralla and Walcha districts – all in close proximity. Our community group and others like it are being bombarded again and again with the same people doing a lot of the heavy lifting to motivate and educate other community members.

It is irresponsible of the State and Federal government not to put in place support mechanisms for their ill-thought-out energy transition. They are neglecting their Duty of Care for their citizens.

**27. We recommend a moratorium on all renewables proposals within the New England REZ until the mess outlined in all sections of our submission are sorted out.**

## 16. ESG Principles not evident

Questions have been raised among our community members about Neoen's commitment to Environment, Social, and Governance (ESG) principles.

The French Corporate Duty of Vigilance Law (2017) requires large French companies such as Neoen, to establish and implement measures to identify and prevent human rights abuses and environmental damage throughout their supply chains. It aims to ensure companies respect human rights and the environment in their business operations *globally*.

If this project is approved, **are we certain our governments will not be complicit** in any breach of this law by French Company Neoen? Has the NSW Government checked?

Some in our local community have raised the question of whether Uighur labour has been used in Neoen's supply chain. Local and State Governments have a Duty of Care under the NSW Modern Slavery Act (2022) to ensure this is not the case.

Any doubt in these areas only serve to further decrease social license to operate.

28. We recommend the proponent be required to prove commitment to ESG, and compliance with French Corporate Duty of Vigilance Law (2017) and NSW Modern Slavery Act (2022) before project approval.

## 17. Conclusion

**Our community feels strongly that this development is not appropriate in this location.**

There is significant unrest across regional eastern Australia about large industrial scale wind farms as a valid approach to Australia's energy transition, and there are good reasons for this.

We have presented 15 topics of serious concern, and included 28 recommendations, 12 of which call for the Thunderbolt Wind Farm proposal to be rejected by the IPC.

Friends of Kentucky Action Group is aware that **the IPC has never overturned a recommendation** from the Department of Planning. There is always a first time.

Remembering the importance of Environment, Social and Governance principles, **a rejection of this proposal could be the landmark, 'Mabo-like' decision** that allows Australia to turn an important corner in its energy transition and defuse a situation that is dangerously close to large-scale social unrest.

There is a better way to transition from fossil fuels.