



New South Wales Government
Independent Planning Commission

TRANSCRIPT OF PROCEEDINGS

RE: BOWMANS CREEK WIND FARM (SSD-10315)

DEPARTMENT OF PLANNING AND ENVIRONMENT MEETING

COMMISSION PANEL: ALICE CLARK (PANEL CHAIR)
ADRIAN PILTON
RICHARD PEARSON

OFFICE OF THE IPC: JANE ANDERSON
OLIVER COPE

DPE CLAY PRESHAW
REPRESENTATIVES: IWAN DAVIES
ELISHA DUNN

LOCATION: VIA ZOOM VIDEO CONFERENCE

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PROF. CLARK: Before we begin today I would like to read out a statement. We are being recorded and after that we'll make some introductions. So I'd like to acknowledge that I am speaking to you from the lands of the Arakwal People of the Bundjalung nations and I acknowledge the traditional owners of all the country from which we virtually meet today and pay my respects to their Elders past and present.

Welcome to the meeting today. We are here to discuss the Bowmans Creek Wind Farm project SSD-10315 currently before the Commission for determination. The
10 applicant, Ark Energy Project Limited - Pty Limited proposes to develop 347 megawatt wind farm in the Hunter-Central Coast Renewable Energy Zone. The proposed project involves the development of up to 56 wind turbines, up to 220 metres high and associated ancillary infrastructure including a new 330 kilovolt transmission line to connect the TransGrid existing network to the Liddell Substation.

My name is Professor Alice Clark. I am the Chair of this Commission Panel I'm joined by my fellow Commissioners Adrian Pilton and Richard Pearson. We're also joined today by Jane Anderson and Oliver Cope from the Office of the Independent
20 Planning Commission. In the interests of openness and transparency and to ensure the full capture of information, today's meeting is being recorded and a complete transcript will be produced and made available on the Commission's website.

This meeting is one part of the Commission's consideration of this matter and will form one of several sources of information upon which the Commission will base its determination. It's important for the Commissioners to ask questions of attendees and to clarify issues whenever it is considered appropriate. If you are asked a question and you're not in a position to answer, please feel free to take the question on notice and provide any additional information in writing which we will then put up on your
30 website.

I request that all members here today introduce themselves before speaking for the first time and for all members to ensure that they do not speak over the top of each other to ensure the accuracy of the transcript. We will now begin. I think what we'll do here, Clay, Iwan and Elish, is hand over to you for your opening statement and an overview of the project. Thank you.

MR DAVIES: Thank you, Chair. Good morning, my name is Iwan Davies, Director, Energy Assessments. I'm here today with my colleagues Clay Preshaw, Executive Director - bear with me - Energy Resource and Industry Assessments and Elisha
40 Dunn, Senior Environmental Assessment Officer. I would also like to acknowledge the traditional custodians of the land on which we're joining today's meeting and pay my respects to their Elders past, present and emerging and extend that respect to any Aboriginal and Torres Strait Islander people here today.

I will begin with a few comments about the strategic and regional context of the project then discuss the Department's engagement with the community and amendments that have been made to the project. We'll also use this opportunity to provide further details on the key assessment issues and our evaluation of the project

and, in particular, the key reasons for the Department's recommendation to the Commission to approve the project.

The applicant proposes to develop a 347 megawatt wind farm with 56 turbines. The Department has recommended approval of 54 turbines with a capacity of 335 megawatts which I will discuss later. Before I dive into the assessment issues it's important to provide some strategic context about wind farm development in New South Wales and the project's location.

10 This is the first wind farm project to be referred to the Commission since 2019 when the Crookwell 3 Wind Farm was refused. The last wind farm approved by the Commission was the Rye Park Wind Farm in May 2017 and the last wind farm approved by the Department was the Yunguilla Wind Farm in May 2021. The energy policy context in Australia and New South Wales has significantly changed in recent years. The Commonwealth has set a pathway to net zero emissions by 2050 and affirmed Australia's commitment to meeting its revised 2030 target being 43 percent below 2005 levels. The Australian Energy Market Operator's 2022 Integrated System Plan, or ISP, states that without coal a ninefold increase in large-scale renewable energy generation is needed.

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Several New South Wales policies and plans aim to achieve net zero emissions in New South Wales by 2050 and reduce emissions by 70 percent to below 2005 levels by 2035. These policies also identify renewable energy zones or REZs across New South Wales including in the Hunter-Central Coast which the project is located within. The REZs are aimed at encouraging investment in electricity infrastructure and unlocking additional generation capacity in order to ensure a secure and reliable energy New South Wales.

30 In addition, the Department has implemented a new energy policy framework to help achieve the transition through renewable energy, reduce emissions and secure an affordable supply of electricity for the people of New South Wales. Noting that all coalfired power plants in New South Wales are scheduled for closure in the next 20 years the project will assist and provide a large-scale renewable energy generation to meet increased electricity demand. The Department considers that the project is consistent with the relevant national, state and local policy documents which identify the need to diversify the energy generation mix and reduce the carbon emissions intensity of the grid by providing energy security and reliability.

40 Regarding regional context. The site is located approximately 10 kilometres east of Muswellbrook in the Hunter Region in New South Wales which is major supplier of coal and energy to national and global markets. Within 10 kilometres of the site there are three operating coalmines, three quarries, one approved gas pipeline and two power stations. The Hunter-Central Coast REZ was declared as it has excellent renewable energy resources and can utilise existing electricity network infrastructure, port and transport infrastructure and a skilled workforce.

There are additional considerations from a regional context that the site would also benefit from. The site has access to electricity network via a new 330kv transmission

line to connect to TransGrid existing network at Liddell Substation. The site is in close proximity to the New England Highway which provides ease of access to the Port of Newcastle. The project would not significantly impact threatened species in the ecological communities of the locality. The site is located in the rural area away from settlements and there would be no significant visual or noise impacts on surrounding residences with the implementation of the proposed conditions.

10 The heritage and agricultural land impacts are limited and overall the Department considers the site to be appropriate for the project and is consistent with the Department's wind energy framework. The project would also provide flow-on benefits to the local community including up to 156 construction jobs and contributions to all three councils through an agreed voluntary planning agreement. There would be broader benefits to the state through an injection of \$569 million in capital investment into the New South Wales economy. The Department considers that the project would result in benefits to the state of New South Wales and the local community and is, therefore, in the public interest and approvable.

20 Regarding community engagement the Department exhibited the EIS from the 31st of March until the 11th of May, '21 and received 142 public submissions consisting of 131 objections and 11 in support. Advice was received from 18 government agencies along with Muswellbrook, Singleton and Upper Hunter Councils. The Department and its visual expert visited the site in April '22 and met with the landholders near the site. None of the agencies or utility providers objected to the project and some recommended the implementation of mitigation and management measures.

30 The most common matters raised in public objections were amenity impacts including visual and noise, socioeconomic factors, biodiversity, bushfire, health and traffic. Submissions in support raised the benefit to the local community through the creation of local jobs investment in the area, provision of reliable income to host landowners and contributions to councils to invest in the community and that project would assist in the transition to renewable energy sources.

40 Regarding project amendments. From the EIS exhibition and consideration of submissions the applicant made changes to the project which are presented in its amendment report. Key amendments to the project design included deletion of four turbines, resiting three turbines and minor micro-siting adjustments to several turbines to reduce environmental and visual impacts, removal and relocation of access tracks and powerlines and an overall reduction of approximately 98 hectares of the development footprint. As the project amendments would not increase the impacts of the project as a whole the Department did not exhibit the amendment report and published the submissions report and amendment report on its website and provided it to government agencies and local councils for comment.

I'm now going to talk about what we found to be the five key issues for assessment being energy security, visual amenity, traffic, noise and biodiversity. Regarding energy security the project as recommended by the Department would have a capacity of 335 megawatts which would generate enough energy to power about 172,000 homes. This is consistent with a number of national and state policies including the

New South Wales Climate Change Policy Framework of achieving net zero emissions by 2050. There are a number of planned coalfired power station closures in the Hunter Region in the next decade. This project is an opportunity to contribute to the replacement of the loss of energy generation within the region.

10 Regarding visual impacts. The Department visited the site and several non-associated residences surrounding the project to assess visual impacts and engaged O’Hanlon Design Landscape Architects to review Ark’s visual assessment, visit non-associated residences and provide independent advice. Ark responded to submissions by amending the Development Application after the EIS exhibition reducing the maximum number of proposed turbines from 60 to 56.

20 It's important to note that the Department raised concerns about the potential visual impacts of the project from an early stage and throughout the assessment process including following the exhibition of the EIS in mid-2021. In addition, following receipt of our submissions report and amendment report in late 2021 the Department raised concerns about the need to address the potential visual impacts of the project in several requests for information letters. Ark eventually responded to concerns raised by the Department during its assessment of the project by recently securing neighbour agreements with six key non-associated landowners.

The Department assessed the project against the performance objectives of its visual assessment bulletin. There are 11 non-associated receivers within three kilometres of proposed turbines as per the figure on the slide. The Department under visual experts assessment concluded that the bulletin’s visual performance objectives would be met at eight of these residences. For the remaining three receivers at S17-2 and Q17-5 located in Bowmans Creek most performance objectives are met but there are turbines proposed across multiple sectors.

30 However, distance, intervening topography and existing mature vegetation would screen views of turbines across sectors and the Department considers that the visual impacts on these residences would not be significant. At G17-1 located in Muscle Creek in the south-west of the site the landscape scenic integrity performance objective would not be met as the turbines would dominate the landscape. As such, the Department has recommended the deletion of turbine 64 and 68. The Department considers that with the deletion of these turbines and additional vegetation screening at the property the visual impacts on this residence would not be significant. 39 non-associated residences are located between three and 4.4 kilometres of proposed turbines. Turbines would be visible from some of these residences due to distance,
40 intervening topography and existing mature vegetation impacts would not be significant and would meet the objectives of the bulletin.

Regarding public viewpoints, Ark’s assessment summarised that the project would not become a major element in the landscape other than within or immediately surrounding the project site where opportunities to view the project would primarily be limited to associated residences and road users. Views of the project would be limited by distance, intervening topography and existing mature vegetation and the Department considers that the project will not dominate the existing visual catchment.

Regarding aviation hazard lighting. Civil Aviation Safety Authority advise that the project is considered a hazard to aviation safety and recommended that the wind farm is obscurlet [sic] with low-intensity lighting. The visual performance objectives of the bulletin would be achieved in that no turbines are located within two kilometres of non-associated residents and Ark has committed to implement other lighting mitigation options such as downward light shielding. The Department has recommended conditions requiring Ark to consult with CASA regarding the installation of aviation hazard lighting and operate hazard lighting in accordance with
10 CASA requirements and in a manner that minimises any adverse visual impacts.

In conclusion, the Department is satisfied that the project is suitable for the site and with the deletion of two turbines would meet the visual performance objectives in the bulletin and 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 recommended conditions require Ark to offer landscape and/or vegetation screening to all non-associated residents within 4.4 kilometres and implement all reasonable and feasible measures to minimise the impacts of the visual appearance of the development.
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Regarding biodiversity. In New South Wales the best wind resources are often available at higher elevations on hills and ridges which is where this project is located. These areas are often associated with the least historical vegetation clearing and for that reason most wind farm projects cannot be developed without a moderate level of vegetation clearing. The project was designed to avoid and minimise impacts on threatened species in communities and turbines have been located outside of migratory pathways to reduce the collision of birds and bats. Of the 17,000-hectare project site and 411-hectare development footprint about 280 hectares of native vegetation would be cleared of which approximately 180 hectares is derived native grassland.
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Approximately 232 hectares of the impacted vegetation comprises threatened ecological communities listed under the Biodiversity and Conservation Act, predominantly 216 hectares of Box Gum woodland comprising 37 hectares of woodland and 179 hectares of derived native grassland or DNG. Approximately 237 hectares of the impacted vegetation comprises critically-endangered ecological communities listed under the Commonwealth EPPC Act, predominantly Box Gum woodland, again 216 hectares.

Box Gum woodland is also a potential serious and irreversible impact entity. Given
40 the extent of Box Gum woodland in the locality it is not possible to completely avoid impacts while maintaining a viable wind farm project. The applicant's accredited ecologist assessed the potential serious and irreversible impacts or SII risk in accordance with the Biodiversity Assessment Method, or the BAM, transitional arrangements and conclude that there would not be a serious and irreversible impact on Box Gum woodland.

However, the Department's Biodiversity and Conservation Division acknowledge that the transitional arrangements apply but provided advice considering BAM 2020, rather

than BAM 2017 and concluded there would be a SII impact on Box Gum woodland as any incremental loss would contribute to SII principles. In forming an opinion about whether there is likely to be a serious and irreversible impact on Box Gum woodland the Department focused on whether the project is likely to contribute significantly to the risk of a threatened species or ecological community becoming extinct as required under the Biodiversity Conservation Regulation.

10 There are various relevant factors that indicate the project would not contribute significantly to the risk of Box Gum woodland becoming extinct including impacts to 215 hectares of Box Gum woodland equates to a very small portion, 0.06 percent of the 331,000 hectares of mapped Box Gum woodland within the four relevant IBRA sub-regions. Within one kilometre either side of the development corridor there is approximately 6,000 hectares of mapped Box Gum woodland. Within the survey area Ark has located the development corridor to avoid impacts on 70 percent of Box Gum woodland and 60 percent of Box Gum woodland derived native grassland.

20 Nevertheless, even if the Biodiversity and Conservation Division's position that there is likely to be SII impacts is adopted the Minister for Planning or their delegate can consider additional and appropriate measures to minimise those impacts. The Department has recommended a condition requiring Ark to enhance and protect in perpetuity 37 hectares of Box Gum woodland derived native grassland to a condition state commensurate with Box Gum woodland which Ark has also committed to in its EIS. In summary, not only would all impacts on Box Gum woodland be offset but an additional 37 hectares of Box Gum woodland would be established as an additional measure.

30 Regarding flora and fauna impacts. 20 candidate threatened flora species listed under the BC Act have been assumed present on site, 13 are also listed under the EPBC Act. As three of these species are potential SAI entities they would be avoided. Impacts to the remaining 17 species would be offset via species credit offsets.

Regarding threatened fauna species. 47 threatened fauna species listed under the BECAUSE and nine listed under the EPBC Act may be impacted through direct habitat loss from vegetation clearing and indirect impacts. Impacts would be offset via ecosystem credit offsets. One threatened fauna species, both BC Act and EPBD Act listed was identified on site and one was assumed present. Impacts would be offset via species and credit offsets.

40 Regarding bird and bat strike. The site is not located near any wetlands or other critical habitat. No migratory flightpaths were recorded or mapped within the survey area and no flock and behaviour was recorded or observed during the site surveys. Flight type and strike risk assessments determined that most of the bird and bat species occurring within the site occurred below the rotor swept area height. The Department has recommended conditions requiring Ark to carry out detailed monitoring of the bird and bat strike impacts of the project and carry out adaptive management of the impacts if the impacts are higher than predicted or result in adverse impacts on any threatened bird or bat species in the locality.

Finally, regarding biodiversity offset. The impacts to native vegetation and species would generate approximately 5,500 ecosystem credits and 8,400 species credits. The Department has recommended conditions requiring Ark to retire the required biodiversity offset credits in accordance with the New South Wales Biodiversity Offset Policy for Major Projects prior to the commencement of construction. In conclusion, the Department and the Biodiversity and Conservation Division are satisfied that subject to the recommended conditions the project could be undertaken in a manner that improves or at least maintains the biodiversity values of the locality in the medium to long term.

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Regarding traffic and transport. The transport route during construction would be via the New England Highway, Hebden Road South and a new access point on Scrumlo Road for light vehicles, heavy vehicles and heavy vehicles requiring escort. In response to concerns raised by Council heavy vehicles and heavy vehicles requiring escort would not use Hebden Road North.

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Regarding construction traffic volumes. Light and heavy vehicle movements would peak at up to 75 light vehicles and 66 heavy vehicles per day over the 18-month construction period. 560 heavy vehicles requiring escort would be required for the delivery of wind turbine components to the site during construction. Operational traffic is expected to be minimal.

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Regarding road upgrades. For local roads on the transport route, road upgrades or improvements are required at several locations along Scrumlo road, Albano Road, Bowmans Creek Road and Hebden Road South and include construction of a new site access point on Scrumlo Road, road widening, widening of cattle grids and a gradient reduction at causeways and potential works to increase the low capacity of the bridge on Hebden Road South. Council support the proposed road upgrades subject to the recommended conditions requiring Ark to undertake the upgrades to the satisfaction of the relevant roads authority, repair any damage resulting from project traffic, schedule heavy vehicle movements to avoid peak hour traffic and prepare a comprehensive traffic management plan. With the road upgrades, regular road maintenance and the implementation of the traffic management plan the Department considers that the project would not result in unacceptable impacts on the capacity, efficiency or safety of the road network subject to the implementation of the recommended conditions.

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Regarding noise impacts or potential noise impacts construction noise levels are predicted to comply with the recommended noise affected criterion of 45 decibels as specified under the EPA's Interim Construction Noise Guideline at all non-associated receivers during standard construction hours. The Department has recommended restricting works to standard construction hours with no works permitted on Sundays or New South Wales public holidays. The recommended conditions do allow for works that are inaudible at non-associated receivers to occur outside of standard hours.

For roadworks, noise levels up to the highly noise affected criterion of 75 decibels are predicted to occur at one residence. However, road upgrades would be short term, intermittent and at least one kilometre from the residence so are unlikely to result in

significant adverse impacts. Construction traffic noise would comply with the New South Wales Road Noise Policy at all receivers.

10 Regarding operational noise, modelling predicts that the project would comply with the relevant environmental noise criteria at all receiver locations during all wind speeds. The Department considers that any low-frequency noise impacts would be minor and acceptable. Both the Department and the EPA consider that the operational noise impacts of the project can comply with the requirements of the Department's noise bulletin and the project would be subject to strict noise limits under the environmental protection licence.

20 Regarding decommissioning and rehabilitation. The operational life of this project is about 25 years but there is potential for it to operate for a longer period of time if turbines are upgraded over time as permitted under the recommended conditions of consent. The recommended conditions require the applicant to rehabilitate the site in accordance with a number of objectives which are that the site must be safe, stable and non-polluting, native vegetation must be restored, aboveground infrastructure, access roads and underground cabling must be removed unless the Planning Secretary agrees otherwise.

If any is agreed to be retained the visual impacts must be minimised. Wind turbine pads must be covered and revegetated. The land must be rehabilitated and restored to pre-existing use and public safety must be ensured at all times. With the implementation of objective-based conditions and monitoring requirements the Department considers that the project would be suitably decommissioned at the end of the project life and the site will be appropriately rehabilitated.

30 Regarding decommissioning bonds. It is the New South Wales Government's policy that financial assurances should not be required by conditions of consent and any financial assurances should be dealt with in the commercial arrangements outside of the planning system.

Regarding economic impacts. The project would provide benefits to the community by providing 156 construction jobs, expenditure on accommodation and businesses in the local economy by workers and goods and services. In addition, the applicant would enter into a Voluntary Planning Agreement with Council providing contributions of \$686 per megawatt per year for community enhancement projects which all three Councils have agreed to and accepted.

40 There would be broader benefit to the state through an injection of \$569 million in capital investment into the New South Wales economy. The applicant has committed to sourcing workers from the local community to reduce accommodation and service pressures. The Department has recommended a condition requiring the applicant to develop an accommodation and employment strategy in consultation with Council.

A number of submissions raised concerns about the potential adverse impacts on property values and the Department notes that the Land and Environment Court has ruled on several occasions that the assessment of the impacts of projects on individual

property values is not generally a relevant matter for consideration under the EP&A Act unless the project would have significant and widespread economic impacts on the locality which is not the case in this instance.

Before concluding, I'll also summarise Aboriginal cultural heritage noting that this was included in the Commission's agenda. Eight Aboriginal cultural heritage sites were located within the development corridor for the project being three isolated finds of low significance, three potential archaeological deposits or pads of low to moderate significance an artefact scatter and a potential ceremonial ring of high significance.

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The applicant has committed to avoid and minimise impacts on all partially impacted and potentially impacted sites. Ark has committed to implementing a 50-metre exclusion zone around the potentially ceremonial ring. However, sites that cannot be avoided would be salvaged and relocated to suitable alternative locations in consultation with Aboriginal stakeholders as required. The Department has recommended a condition requiring the applicant to implement all reasonable and feasible measures to avoid and minimise harm to these sites and provided detailed justification where impacts cannot be avoided.

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In summary, electricity-generating works on the site are permissible with consent and the project is located in the Hunter-Central Coast Renewable Energy Zone. It has good wind resources, access to the existing electricity network and is in close proximity to the New England Highway which provides ease of access to the Port of Newcastle.

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The project has largely been designed to avoid key constraints including noise and amenity impacts to nearby non-associated residences, areas of higher biodiversity value, traffic impacts and impacts on Aboriginal cultural heritage sites. Any residual impacts would be relatively minor and can be managed through the recommended conditions of consent. With the additional neighbour agreements secured by Ark and the Department's recommendation to delete an additional two turbines the Department considers that there would be no significant visual impacts on surrounding residences.

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The project would not significantly impact threatened species and ecological communities of the locality and any residential biodiversity impacts can be managed or mitigated by imposing appropriate conditions and retiring the required biodiversity credits. Importantly, the project would assist in transitioning the electricity sector from coal and gas-fired power stations to low emission sources and is consistent with New South Wales policy. It would generate over 997,000 megawatt hours of clean electricity annually which is enough to power over 172,000 homes and save over 950,000 tonnes of greenhouse emissions per year.

The Department considers that the project achieves an appropriate balance between maximising the efficiency of the wind resource development and minimising the potential impacts on surrounding land users and the environment. Through job creation and capital investment and a planning agreement with all three Councils the project would also stimulate economic investment in renewable energy and provide flow-on benefits to the local community. On balance, the Department considers that

the project is in the public interest and is approvable subject to the recommended conditions of consent. Thank you.

PROF. CLARK: Thank you, Iwan. I know that the Commissioners have some questions to ask. I'm - I'd like, I guess, start there with Adrian. Adrian, do you have any questions that you would like to ask?

10 MR PILTON: Yes. I'm just wondering if there are anymore details of how the whole system works in terms of access roads and actual turbine locations. The plans that we've got in the assessment report are very small scale, look a bit conceptual to me so I'm just wondering, for example, how very large trucks are going to get up into the higher hills.

MR DAVIES: Yeah, thank you. So, yes, the plans in the development consent at least when not zoomed can appear high level but those detailed figures and plans within the EIS and subsequent documents. There are also coordinates included within the development consent and the Department has considered the widths of road upgrades and access tracks both external and within the site.

20 MR PILTON: Thanks, Iwan. I'll have to try and dig them out. I'm having trouble getting into the major projects portal and getting into the EIS.

MR DAVIES: We can assist if - yeah.

MR PILTON: It's all right, I got some help here who can help me get into it later.

MR DAVIES: O.K.

30 MR PILTON: Thank you.

MR DAVIES: Right. Thank you.

PROF. CLARK: Thanks, Adrian. Richard, any - - -

40 MR PEARSON: Yes. Thanks, Alice. Thanks for that, Iwan. There was just - to what extent do you think these additional neighbour agreements that have been negotiated will diminish some of the opposition to the project, I guess as well as the deletion of a couple of turbines and the screening proposed but I'm also interested in a more kind of broader policy question, I suppose. What sort of - what sort of money are we talking on neighbour agreements or are these commercial arrangements between landowners? I know the Department's got a new guideline but it's in draft form for the neighbour agreements because it seems to be a bit of a key to resolving some of the - some of the visual impact issues with these projects.

So it's quite a broad question, I know, but in relation to the project specifically do we - is there some confidence that the mitigation measures proposed including the neighbour agreements are going to lead - lead to some - some greater acceptance of the - of the project or will we likely continue to face significant opposition? I guess we'll

find that out through - through seeking comments on the Department's Assessment Report but I'd just be interested in your comment around neighbour agreements.

MR DAVIES: Thank you, Richard. Well, first of all, those neighbour agreements were key to what the Department considers the visual impacts of the project are as some of those residences that Ark has secured neighbour agreements with, the Department was concerned about the potential visual impacts on those residences. In terms of acceptance of the project, ultimately those neighbours have accepted the visual impacts of the project. I perhaps shouldn't comment on the broader
10 acceptability or opposition to the project but what we see is really - neighbour agreements is only form of mitigation measure.

The first is project design including siting or turbines or deletion of turbines but where that has not been proposed by the applicant and instead neighbour agreements have been entered into that's certainly an option open to all developers. So those residences have accepted the impacts and I should perhaps only talk directly to those residences. In terms of the value, it's a commercial agreement between - as you'll appreciate, between the applicant and the neighbour and I probably shouldn't comment or I'm
20 actually not aware of the value of those agreements.

PROF. CLARK: Thanks, Iwan.

MR PEARSON: Thank you.

PROF. CLARK: I have a question around the greenhouse emissions, Iwan. Sorry, Iwan.

MR DAVIES: Sorry, I should - I should - sorry, and I do apologise, Alice, for
30 interrupting but just to finish my previous answer to Richard. I think it's fair to say that noting the agreements that are in place there clearly isn't - isn't an agreement with residence G17-1 and I'd very much expect that that residence is certainly still opposed to the - to the project. Yep. Sorry, Alice.

PROF. CLARK: It's fine, Iwan. My question's related to the 950,000 tonnes of greenhouse gas emissions that you alluded to in your summary there and I'm wondering if that also includes the - I guess, the deduction of the value from the construction of the components of the wind farm or what makes up that estimate?

MR DAVIES: Look, I don't know. Thank you. I don't know the absolute
40 calculations, I know it's a calculation that has been developed by the New South Wales Government including the datum and analytics team within the Department. Perhaps I'd need to take that question on notice.

PROF. CLARK: Thanks, Iwan. Yes, that would be fine. I did have another question. Anything from yourself there, Adrian, that you want to follow up with?

MR PILTON: Yes, just got a question about the bat and bird strike potential. In the report it talks about a wind turbine curtailment strategy whereby certain turbines were

switched off or slowed down. Just wondering how does that process work and when does it kick in and who's responsible for determining the bird strikes?

MR DAVIES: Yeah. Thank you, Adrian. So ultimately that comes down to the condition we have for the Bird and Bat Adaptive Management Plan. So there are processes in place regarding the monitoring - well, first of all, the collection of 12 months of baseline data and then the ongoing monitoring of potential or of bird and bat strike and depending on the results of that monitoring then feeds into what curtailment strategies are put forward by the applicant and ultimately accepted by the Secretary. That would be developed in consultation with the Department.

MR PILTON: Has this been a big issue in past or other wind farms? Bird strike, I mean, yes.

MR DAVIES: To varying degrees, Adrian. I think perhaps can answer it on a - in terms of impacts on threatened species the Department considers that there have not been significant impacts but I will advise if otherwise in writing noting that we do have the Bird and Bat Adaptive Management Plans planning condition included in all wind farm consents in New South Wales.

MR PILTON: Thank you.

PROF. CLARK: I've got a question about decommissioning. How do they actually decommission these things? You know, your summaries are very good there but in 35 years, you know, what can people expect in terms of where that responsibility lies given that no bond condition situation that you described there? So how are they actually decommissioned and, you know, some years later what's going to happen - where does that responsibility lie if the company goes broke or whatever?

MR DAVIES: Yes. So the responsibility lies with - well, ultimately it's a commercial arrangement between the landowner and the applicant and the Department does not enter into those negotiations but ultimately that's where the responsibility lies. There are - I will also take that question on notice because we can provide the details and go given the recent work we have done regarding decommissioning of wind farms noting that - noting the content of the - of the new draft wind energy framework.

PROF. CLARK: That would - that would be appreciate. I notice from, you know, a lot of media releases that this is a big issue internationally and I'm curious to see how this will be dealt with here. Any other questions, Commissioners?

MR PILTON: If I could just take that a step further because it's about landowners and so on. I'm just wondering with the 37 hectares of land that's got to be set aside and managed is that a separate area that the applicant will own or do they sort of lease it off the landowners or what? How is that going to be protected in perpetuity? What happens if the project's sold on or something or the farm is sold on?

MR DAVIES: They will need to own and manage that in perpetuity. In terms of the location at this stage we're - ultimately this matter was raised late in the assessment

process and with the - but the Department is confident with the level of information that Ark has provided on that 37 hectares noting that I think earlier in my - in my speaking notes we - I think there are something like 6,000 hectares of Box Gum woodland within the - or near the project corridor so we are confident that there is appropriate derived native grassland that could be managed up to woodland status within the site but at this stage we - we could not be confident on the location - the exact location of that and it would also be dependent on - where it would benefit, is it better to have 37 hectares of - one area of 37 hectares or perhaps spread out and include the links between other areas of woodland.

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MR PILTON: Thank you.

MR PEARSON: Just a couple - couple of further questions from me. One, in relation to the VPA amount because as you're aware the Department's got draft guidelines which were, I think, up to around about \$1,000 a megawatt - megawatt for wind farms as opposed to the \$600-odd that's proposed here. Is it possible given that this project may not commence for some time to have the VPA in accordance with the guidelines that are in place at the time that construction commences because I can see a situation, and it's not just this project, where we might have new guidelines in place that - that new proposals are being assessed against but these older proposals still aren't constructed will be done at that earlier discount rate. I know consents need to have some finality but is it - is it possible for the condition to be in accordance with the guidelines in place at the commencement of construction so that there is that scope for - for any new amounts to be reflected in the VPA quantum?

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MR DAVIES: Thank you, Richard. First of all, the project is not captured by the transitional arrangements of the new policy but I would also add that the VPA has been agreed with all three Councils and the current volume is - fit is generally consistent with other wind farms in New South Wales and also that - that amount is - is indexed and so even if the project was not developed next year it doesn't stick to the 686 and I think ultimately that it would be - as I think you broadly referred to, given the existing development consents ultimately I'm unsure what the process would be and ultimately the fairness of that process if we were to revisit VPAs and existing development consents.

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MR PEARSON: Yes. It's just I - it's just I envisaged it's possible that Councils might have regard to this new guideline and say, well, we could do a lot better under that guideline and may seek to re-raise the issue. I've got no idea if that will be the case, I guess we'll find out when we talk to the Councils but you're - you're saying that it would have to be in accordance with the guidelines in force during the assessment of the project?

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MR DAVIES: Yes. So for any projects that are captured by the transitional arrangements or - or once that new policy is - and when that new policy is implemented though it's only those projects that would be captured. Yes.

MR PEARSON: Thank you.

PROF. CLARK: Thank you. Adrian, any other questions from yourself?

MR PILTON: Not from me, thank you.

PROF. CLARK: Richard, any - any further things from yourself?

10 MR PEARSON: No. Just that last point - sorry, I did mean to ask you about the noise monitoring which - which was a condition in respect of and from recollection it needs to be done after six months of commissioning the project. Is that it, like is it just a once-off monitoring or is the - the, you know, annual monitoring and also are those results published so that neighbours can - can see - see and understand the noise that's being monitored?

MR DAVIES: Thank you, Richard. So, yes, that is - in terms of the noise monitoring the conditions do require only that six months; however, there is - the Department has considered the matter that you have raised there and has an additional condition that requires the applicant to undertake further noise monitoring if required by the Planning Secretary. In terms of that information being published, I believe it - I'd have to get back to you on that. There - there are several pieces of information that must be
20 published by the applicant on its - on its website, I'd need to get back to you on whether the noise monitoring results would be.

MR PEARSON: Thank you.

PROF. CLARK: Thank you. I did have one more question and it's around catastrophic bushfires, they're not uncommon anymore, and coming through and sort of burning all of these towers. Where - where does the insurance lie? I mean, they're on people's properties. What sort of - I read the submission from the Fire authority and I didn't really see anything around that there. Do you have any - any comments
30 about where that responsibility lies or what happens in that circumstance?

MR DAVIES: Thank you, Alice, I'll perhaps take that question on notice.

PROF. CLARK: Thank you. All right. I don't have any other questions unless Adrian or Richard have thought of any - anything else?

MR PILTON: Not from me.

40 MR PEARSON: All good.

MR DAVIES: Thank you.

PROF. CLARK: Thank you very much. Thank you for your presentation today and, yes, go and enjoy the rest of your day. We'll be in touch with - with anything else that we might think of later that we need to ask but thank you very much.

MEETING CONCLUDED