



13 August 2015

Mr Paul Freeman
NSW Department of Planning & Environment
23-33 Bridge Street,
Sydney, NSW 2000

Re: **Flyers Creek Wind Farm MP08_0252 Modification 2**

Dear Paul,

We refer to Project Approval no. MP 08_0252 for the proposed Flyers Creek Wind Farm (the **Project**) issued by the Planning Assessment Commission of New South Wales dated 14 March 2014 as modified by the Department of Planning and Environment (**DPE**) on 13 March 2015 (the **Project Approval**).

1. REQUEST FOR MODIFICATION

Flyers Creek Wind Farm Pty Ltd (the **Proponent**) is requesting a modification under section 75W of the Environmental Planning and Assessment Act 1979 (NSW) to the Project Approval.

The proposed modifications are as follows:

- (i) an amendment of condition B2(c) to read as follows:
 - “(c) additional background noise level monitoring at receiver location 78 (as identified within the document referenced in C1(c)), and a report detailing the revised noise levels and criteria for this receiver, and clearly outlining the noise mitigation, monitoring and management measures that would be applied; and”;
- (ii) the insertion of a new condition, G12A, as follows:
 - “G12A Prior to the commencement of construction, the Proponent must undertake the background noise monitoring at ‘Location A’ identified in *Flyers Creek Wind Farm Background Noise Monitoring House H89* Letter Report from Sonus Pty Ltd to Infigen Energy dated 27 July 2015 and incorporate the results of such monitoring into the Operation Noise Management Plan to be prepared by the Proponent in accordance with condition G21.”
- (iii) removal of the approved transmission line from the wind farm substation to the electricity network from the Project.

The justifications for requesting the above modifications are outlined below.

2. MODIFICATION OF DEFERRED COMMENCEMENT CONDITION B2 (C) AND INSERTION OF NEW CONDITION G12A

The Proponent confirms that it has undertaken the required additional background noise monitoring at receiver location 78 and provided a report to the DPE on 4 February 2015 as required under condition B2(c).

However, the owner of receiver location 89 has refused, as they are entitled to do so, to grant the Proponent access to their property for the purposes of undertaking the additional background noise monitoring specified in condition B2 (c). Given this, the Proponent has requested expert advice on an alternative measurement regime for receiver location 89. Sonus Pty Ltd (**Sonus**) has provided a letter report dated 27 July 2015 (**Sonus Report**) outlining how background and compliance testing could be undertaken at an another location which can then be 'extrapolated' to residence 89. A copy of the Sonus Report outlining the alternative regime proposed by Sonus is included as **Attachment 1**.

In order to address this issue, the Proponent requests that Condition B2(c) be modified to delete the requirement for noise monitoring at residence 89 and substituted with a new condition G12A confirming the Proponent's commitment to undertake pre-construction background noise monitoring and post-construction compliance testing at the alternate location identified in the Sonus Report.

3. DELETION OF THE TRANSMISSION LINE FROM THE PROJECT

The Project Approval currently authorises the construction and operation of a proposed 132kV transmission line which runs from the substation on Lot 8 DP 750538 in a westerly direction and then north to connect to the existing Orange to Cadia Mine 132kV line. The currently approved route of the transmission line is shown as the "Proposed 132kV Line" in Figure 1.6a of the Preferred Project Report, a copy of which is included as **Attachment 2** to this letter for ease of reference.

The Proponent has decided to pursue a change to the route for the 132kV transmission line power line. The Proponent therefore seeks to modify the Project Approval so as to remove the currently approved transmission line, shown as the red line on Figure 1.6a of the Preferred Project Report, from the approved Project. As a result of this modification, the transmission line will no longer impact on the properties listed in Table 4.2a of the Preferred Project Report. The Proponent will seek a separate approval for the proposed new transmission line route.

4. FUTURE MODIFICATION

The Proponent would like to take this opportunity to notify the DPE that it will submit a further modification application for the Project in the near future. It is currently proposed that this further planning modification will contain, amongst other items, proposals to:

- Excise at least three properties from the Flyers Creek project including:
 - o Lots 41 and 28 DP 750367;
 - o Lots 7, 65 and 66 DP 750358;
 - o Lot 68 DP 750358; and
- Change the route of the 33kV overhead power line (shown in blue dot-dash lines in Figure 1.4b of the Preferred Project Report).



5. POLITICAL DONATIONS DISCLOSURE STATEMENT

A political donations disclosure statement is included as **Attachment 3** to this letter.

Please feel free to contact myself should you have any questions or require any clarifications.

Kind Regards,

A handwritten signature in blue ink that reads "Jonathan Upson". The signature is fluid and cursive, with the first name "Jonathan" and the last name "Upson" clearly legible.

Jonathan Upson

Senior Development and Government Affairs Manager

Attachment 1 - Letter report from Sonus Pty Ltd to Infigen Energy dated 27 July 2015 entitled *Flyers Creek Wind Farm Background Noise Monitoring House H89*

Attachment 2 - Figure 1.6a of the Preferred Project Report

Attachment 3 - Political Disclosure Statement

Sonus Pty Ltd
17 Ruthven Avenue
ADELAIDE SA 5000
Phone: +61 8 8231 2100
Mobile: +61 410 920 122
jturner@sonus.com.au
www.sonus.com.au
ABN: 67 882 843 130



Infigen Energy
Level 23, HWT Tower
40 City Road
Southbank Victoria 3006

S3870C3

**Attention: Senior Development & Government Affairs Manager
Mr Jonathan Upson**

27 July 2015

Dear Mr Upson,

**FLYERS CREEK WIND FARM
BACKGROUND NOISE MONITORING HOUSE H89**

Background noise measurements were conducted by ViPAC for the Flyers Creek Wind Farm and reported on in ViPAC Engineers and Scientists Ltd (Leonard, A) 2010 "Flyers Creek Wind Farm – Background Noise Monitoring Survey Report" 50B-08-0089-TRP-771535-1 (the ViPAC background noise report).

The background noise monitoring regime at the house designated as H89 in the ViPAC background noise report is to be repeated; however, access to the original monitoring location has been denied by the owner.

This report provides an alternative measurement regime to deliver the necessary background noise data as it relates to H89, without accessing the property.

Background noise monitoring

Background noise monitoring is conducted for two primary purposes:

1. To establish *assessment criteria* for the project at a location;
2. To provide data which can be mathematically subtracted from the *post construction* test results to confirm the wind farm noise level at a location.



Assessment Criteria

In order to establish assessment criteria at a location which is remote from the measurement position, the following factors need to be similar for both the remote location (in this circumstance, H89) and the measurement position:

1. Vegetation extent;
2. Vegetation type;
3. Elevation;
4. Direction from the wind farm.

Location A satisfies the above parameters and is shown in the diagram below.

Post Construction Data

In order to confirm compliance with the assessment criteria at a location (in this case H89) where background noise monitoring has not been conducted, an option is to measure closer and in the same direction to the wind farm. If that measurement location is at a distance of 500m (or similar) from the wind farm, then the contribution of the wind farm can be readily determined with the benefit of pre-construction monitoring data. A noise model can then be used to extrapolate the wind farm noise level results to a location (in this circumstance, H89), for comparison against the assessment criteria.

Location A satisfies the above parameters and is shown in the diagram below.

Therefore, the placement of a noise logger Location A will deliver the necessary data to establish the assessment criteria (pre-construction) and to confirm compliance (post construction) at H89.



Recommendation

Based on the above, an alternative measurement regime which delivers the necessary background noise data as it relates to H89, without accessing the property, will be provided by the placement of a noise logger at location A as depicted above.

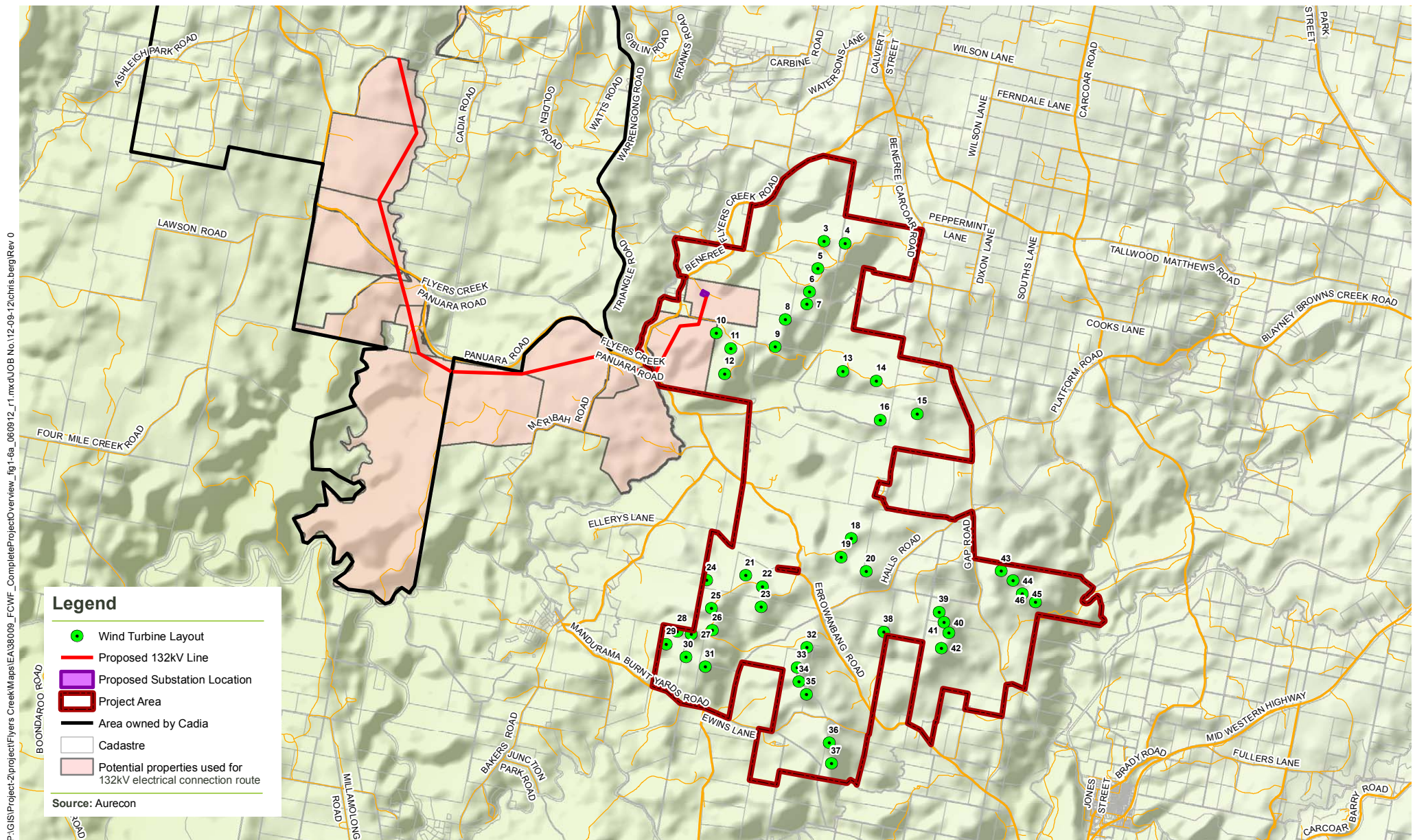
The noise logger should have a noise floor of less than 20 dB(A) and the monitoring regime should be conducted in accordance with the *Wind Farms Environmental Noise Guidelines* (SA EPA 2009). The measurements should occur during both the pre-construction and post construction stages of the project.

If you have any questions or require clarification, please call me.

Yours faithfully
Sonus Pty Ltd

A handwritten signature in dark ink, appearing to read "Jason Turner", written over several horizontal lines.

Jason Turner
Senior Associate



1:110,000
0 1 2 3km

Projection: GDA 1994 MGA Zone 55

Flyers Creek Wind Farm **Environmental Assessment**

FIGURE 1.6a: Revised Complete Project Overview

Political Donations Disclosure Statement to Minister or the Director-General

If you are required under section 147(3) of the Environmental Planning and Assessment Act 1979 to disclose any political donations (see Page 1 for details), please fill in this form and sign below.

Disclosure statement details				
Name of person making this disclosure BEAD HOPWOOD	Planning application reference (e.g. DA number, planning application title or reference, property address or other description) MP_08-0252 FIVELS CREEK WIND FARM			
Your interest in the planning application (circle relevant option below)				
You are the APPLICANT	YES ☒ NO ☐ OR ☐ YES / NO			
You are a PERSON MAKING A SUBMISSION IN RELATION TO AN APPLICATION				
Reportable political donations made by person making this declaration or by other relevant persons				
* State below any reportable political donations you have made over the 'relevant period' (see glossary on page 2). If the donation was made by an entity (and not by you as an individual) include the Australian Business Number (ABN). * If you are the applicant of a relevant planning application state below any reportable political donations that you know, or ought reasonably to know, were made by any persons with a financial interest in the planning application, OR * If you are a person making a submission in relation to an application, state below any reportable political donations that you know, or ought reasonably to know, were made by an associate.				
Name of donor (or ABN if an entity)	Donor's residential address or entity's registered address or other official office of the donor	Name of party or person for whose benefit the donation was made	Date donation made	Amount/ value of donation
NIL				
Please list all reportable political donations—additional space is provided overleaf if required.				
By signing below, I/we hereby declare that all information contained within this statement is accurate at the time of signing.				
Signature(s) and Date				
 12/8/15				
Name(s)				
BEAD HOPWOOD				