

“Myuna”  
New England Highway  
Kentucky 2354

12/1/2026

**Re: Thunderbolt Wind Farm – Modification 1 (SSD-10807896)**

Below is my submission to the proposed Thunderbolt Wind Farm – Modification 1 (SSD-10807896).

**1. Introduction**

This submission concerns the Environmental Assessment (EA) and appendices prepared for Thunderbolt Wind Farm – Modification 1 and focuses on the adequacy of assessment relating to Bell’s Turtle (*Myuchelys bellii*), an EPBC Act and NSW BC Act listed Endangered species.

The submission contends that the modification documentation:

- Contains internal inconsistencies
- Is incomplete with respect to aquatic threatened species
- Relies on unsupported conclusions regarding EPBC referral requirements
- Raises material questions about compliance with Section 4.55(2) of the EP&A Act

**2. Legislative Context**

Bell’s Turtle is:

- Listed as **Endangered** under the *Environment Protection and Biodiversity Conservation Act 1999*
- Listed as **Endangered** under the *NSW Biodiversity Conservation Act 2016*
- **A Matter of National Environmental Significance (MNES)**

Any action likely to have a **significant impact**, including indirect impacts, must be assessed under the EPBC Act and properly considered under NSW planning law.

**3. Internal Inconsistencies in the Assessment**

Across the Modification EA and MNES appendices, Bell’s Turtle is variously described as:

- “may occur”
- “likely to occur”
- having “no habitat present”
- not requiring an Assessment of Significance

These statements appear within different sections of the same assessment suite, despite acknowledgement of 183–260 locality records.

This internal inconsistency undermines the credibility of the conclusion that the species is not at risk from the modification.

#### **4. Failure to Assess Indirect Impacts**

The modification includes:

- Road intersection works
- Hardstand construction
- Drainage and verge modifications
- Vegetation clearing
- Extended construction duration (40 months)

Despite this, the assessment does **not evaluate indirect aquatic impact pathways**, including:

- Sediment mobilisation
- Changes to surface hydrology
- Water quality impacts
- Increased vehicle strike risk during turtle movement periods

Indirect impacts are explicitly recognised under EPBC Act Significant Impact Guidelines and NSW threatened species jurisprudence and must be assessed where reasonably foreseeable.

#### **5. Inadequate Basis for “No EPBC Referral Required”**

The EA states that no additional EPBC referral is required but does not:

- Provide a transparent Assessment of Significance
- Demonstrate consideration of indirect impacts
- Explain how additional disturbance areas do not alter MNES risk

In the absence of this analysis, the conclusion that no referral is required is unsupported and potentially legally vulnerable.

## 6. Section 4.55(2) Concerns

The modification introduces:

- New disturbance areas
- New haulage and intersection works
- New infrastructure
- Extended construction duration

If impacts on an Endangered MNES species have not been properly assessed, the proposal may no longer satisfy the requirement that it be “**substantially the same development**”.

## 7. COMPARISON TABLE

The table below compares the EPBC guidelines requirements with the modification assessments and highlights the gaps and deficiencies.

**Table 1: Assessment vs EPBC Act Significant Impact Guidelines (Endangered Species)**

EPBC Guideline Requirement	What the Guidelines Require	What the Modification Assessment Provides	Gap / Deficiency
Presence / likelihood	Consider local records and habitat	Acknowledges 183–260 records	Contradictory conclusions
Habitat assessment	Identify all habitat types incl. indirect	Claims “no habitat present”	No aquatic mapping
Indirect impacts	Assess sediment, hydrology, water quality	Not assessed	Major omission
Construction impacts	Consider duration & intensity	Duration extended to 40 months	No reassessment
Cumulative impacts	Consider additive impacts	Limited to traffic	Biodiversity excluded
Significance test	Transparent Assessment of Significance	Not provided	Non-compliant

EPBC Guideline Requirement	What the Guidelines Require	What the Modification Assessment Provides	Gap / Deficiency
Precautionary principle	Apply where uncertainty exists	Uncertainty acknowledged	Principle not applied
Mitigation hierarchy	Avoid–minimise–offset	Not demonstrated	No species-specific mitigation

**Conclusion:**

The assessment does not meet EPBC Significant Impact Guideline standards for an Endangered aquatic species.

**8. Requested Actions:**

It is requested that the consent authority:

1. Require a **targeted aquatic ecology assessment** for Bell's Turtle
2. Require an **Assessment of Significance** addressing direct and indirect impacts
3. Seek **written confirmation from DCCEEW** that the modification does not require a new EPBC referral
4. Withhold approval until threatened species risks are fully addressed

**What is required to address the deficiencies:**

**1. Undertake Targeted surveys**

- Aquatic surveys of waterways within and downstream of:
  - Whitehouse Lane
  - Marsden Park Road
  - Site Access intersection
- Survey timing aligned with Bell's Turtle activity periods
- Assessment of ephemeral and intermittent watercourses

**2. Undertake Impact pathway analysis**

This requires a formal assessment of:

- Sediment mobilisation during construction

- Culvert and drainage modifications
- Water quality impacts
- Construction traffic mortality risk
- Hydrological connectivity between water bodies

Yours sincerely

A handwritten signature in black ink that reads "Julian Prior". The signature is fluid and cursive, with "Julian" on the top line and "Prior" on the bottom line.

Dr Julian Prior