

**Submission of Jenifer Heffernan  
(verbal delivery in bold text)**

**Planning Assessment Commission Panelists, ladies and gentlemen.**

*I encourage you to peruse this entire submission*  
**I wish to address this meeting to voice my strong objection to the proposed submission Biala Windfarm. Today I will discredit the submission and display collusion between Dept P&E, OEH, ERM and the applicant as well as informing you of my personal concerns regarding project.**

I feel it pointless to present any scientifically substantiated papers regarding the impact on health, communities, real estate values and the environment and the inefficiency of such developments to this panel as they are widely available but government agencies still choose to ignore, but I implore you to take into consideration some of the very creditable work done in these areas.

**BACKGROUND**

**My husband is 4th generation farmer on the original parcel of land of his forbearers'. We have a son, 8 years and together we operate our successful farming enterprise of prime lamb and wool by embracing modern methods and technology but not disregarding tradition. Our property is situated in the centre of the Biala district, covers just over 2000 acres and is 100% prime grazing land. Our closest boundary to a proposed turbine is 3 km and our home is 5 km away from it. Our visibility will be of all turbines to the east of our property.**

**FINANCIAL AND PERSONAL COSTS**

For you, as panellists, this is a monetary exercise. For us, it is very negative both financially and personally. The personal costs are huge – stress, anxiety, sleeplessness, concern for our future and safety and that of our children, loss of friendships and division of our community. Financially, it is the decrease in property values, decrease in production due to poor water quality and air and noise pollution, as well as the endless hours we have had to spend reading the submission, phone calls and writing letters. None of this is self inflicted, but is imposed on us by the greed of an off shore company capitalising on our tax

payer funded government subsidies and the greed and inconsiderate actions of neighbours who don't possess the inclination or ability to generate an income by utilising the land more appropriately, GRAZING.

### **COMMUNITY SUPPORT**

You may conclude that the number of registered speakers objecting to the project as a reflection of lack of interest in our community. We are part of this community, born and bred here, and we know that unfortunately there are many neighbours and members of the community strongly opposed to this development. They are simply, not of the personality to publically object to anything and a lot, especially the older ones, do not know how to or cannot access information regarding the development, or do not understand the tables, grids and technical jargon in the submission, or do not have the time to do such. **I am sure I stand here today echoing the thoughts and questions of many in the community unable to do it.**

**Skimming the EIS submission, it appears that a comprehensive and impressive survey has been done. However on closer examination there are many anomalies, incorrect calculations, misinformation, and negligence.**

### **ECOLOGY SURVEYS**

**In Table 4.3 (Summary of Field Survey Effort) there are many gross miscalculations and discrepancies between the calculated hours spent surveying and those detailed in the report.** It is stated that the a total of 43 days was spent physically surveying. Adding the hours in table 4.3 equates to 285.2, given that the average working day is 8 hours. **Using the table I calculate the time spent surveying was 35 not 43 days.** A difference of 8 days. Examples of the many miscalculations of hours spent **surveying raptors** listed as **6, 6, 12 and 8 hours, somehow** equates to **64** on the table but is correctly totalled in table on page 41 as **32 hours. Tree hollow 2,24,5 totals 29, no correct answer 31.**The fact that **this** was not crosschecked **demonstrates intent to mislead by all accountable parties and does not give any confidence in the report.** How many survey hours have been wrongly documented or conveniently doubled? If something as simple as the calculations are

incorrectly reported how can we be assured that the work in the survey has been carried out in accordance with the guidelines?

It puzzles me as to why areas where ecology survey was concentrated is in areas where turbine are sparse.

### **SURVEY OF WATERWAYS**

**I refer to EIS table 3.2 . (clearly states Ecology Impact Assessment table 3.2 the EIS must include ecological assessment considering terrestrial and aquatic ecosystems (particularly Wattle and Biala Creeks).) It is extremely obvious these assessments have not been done adequately.**

**The headwaters of three substantial creeks –Biala, Sandy and Wattle – originate in the PA. To survey these headwaters only and not a substantial part of these waterways is ludicrous as the activity that occurs there impacts greatly on the remainder of the waterway. Two of these creeks, Biala and Sandy, run through our property and we, as well as more than 10 other neighbours, depend on these waterways to sustain our households and stock. They also sustain a prolific range of wildlife. These are very healthy waterways with high levels of submerged plants and aquatic life. It is most unusual that these plants and animals occur on one side of the fence but not the other. No aquatic surveys were adequately completed on these waterways by means of plant identification, fish traps or water sampling for DNA. In fact as demonstrated in figure 4.2 it is displayed that no part of Wattle Creek,(classified class 2 moderate fish habitat) has been surveyed, no part of Sandy Creek or any of the other 17 first order watercourses. The only water course survey was a very small portion of Biala Creek. The author of the report concludes, on a classification by Fairfull (2013) that it is Class 3 minimal key fish habitat, and does not substantiate this claim with collated data. The author concludes that the development will have “no significant impact” on waterways. This development will impact irreversibly on the ecology of these waterways at the very least on our side of the fence. The need for a thorough, comprehensive survey is required before a recommendation is made. The measures proposed to protect these waterways are minimal and insignificant. In times of heavy downpours these**

waterways are transformed into raging torrents due to the elevation and catchment area

### **BAT REPORT**

Of the seven species identified in the surveys three are listed as vulnerable.

White striped Freetail

Goulds Wattle

Large Forest

**Calculations** as per the ecology assessment report (6.1.12) would estimate that between 50-2500 bats per year would be killed by turbine collision or barotrauma. 43% or 1075 of these mortalities would be of vulnerable species, the report states the impact of the project would be, again, insignificant.

Consent recommends bird and bat monitoring plan, what are the details?

When will it be implemented, before, during or after completion of the project?

### **IMPACT ON ENVIRONMENT**

The magnitude of the impact this project will have on our environment is grossly underestimated as many of the conclusions in the EIS are mere opinions of individuals. I would like to make the point that **10 out of the 11 ecologists engaged to compile the EIS are employees of ERM which of course has been paid by the applicant to undertake the assessment. Logically it is in ERM's best interest and that of the individual ecologists to submit a favourable conclusion even if it is hypocritical to the data they recorded and supplied.** On many occasions it is documented that various habitats and species would be impacted by this development but it is concluded as being of "insignificant".

It is not addressed anywhere in the EIS the long term effect this development will have on our local environment. The mere presence of these "monsters" make the direct environment inhabitable not only to us but many species. The noise, the flicker, the air quality and turbulence, the water quality and quantity are just a few impacting factors that will alter local populations. The magnitude

of the devastating long term effects such a project will have on our environment is massive and unmeasurable.

Another example of misinformation is clearly documented in OEH report after their requested visit to the site. The vegetation mapping on the original EIS was found to be incorrect. OEH relabelled correctly but my concern is how much of the rest of the EIS is incorrect and would need to be corrected due to the unreliability or lack of knowledge of the people compiling the reports.

### **TRANSMISSION LINE**

Planning and Environment have granted this development consent on the proviso that in schedule 2.5 that a the proposed development application for a transmission line is approved. This appears to be open-ended with no time restraint in place. I suggest this needs to be reviewed and a restriction of 1 year added to this clause.

### **TERMS OF CONSENT**

It is state as a term on consent in schedule 2.2 that the applicant must carry out the development generally in accordance with the EIS. I put it to you what is the point of having an EIS if one is only required to generally comply with the conditions. This is a legal loophole that needs to be closed and made water tight as it gives the developer pretty much free reign to pick and choose what they comply with and on what degree. For your benefit the definition of generally is "without regard to particulars or exceptions". Removal of such terminology is without doubt a requirement.

### **185m turbines v 120m turbines**

I noted when perusing the application that a lot of data collaborated has been done on the assessment of turbines that are not as high as the applicant proposes. Logically this is like comparing the impact a family car has on a road to that of a semitrailer. The reports should be rejected as inadmissible and insignificant as they are based on the mini minors of the wind industry not the monsters proposed to be erected for this project.

### **WATER HARVESTABLE RIGHTS**

WHR have been calculated and documented. **This project is in serious breach of the water act. Under the water act it is clear that water harvested on a property is only to be used on that property.** Given that **the two large storage dams which have been assessed as adequate to supply the project are located on the primary host property I question where the water will be sourced to be used on the other 3 host properties. Will this breach of the water act be ignored or enforced. The harvesting of water should be defined in the submission, not listed as options** (some of which could seriously impact neighbours). **This should be confirmed before the project is approved.**

### **RISK TO WATER BORES**

We have two reliable and productive bores on our property and are gravely concerned for their longevity due to blasting on the PA. We require assurance our bores will not be affected. The drilling of bores on the PA in our opinion needs to be forbidden and not an option. Clearly this is an industrial development and we are concerned of the drain on the Aquifer that is potential the same as our bores source.

### **TRAFFIC SAFETY ESP SCHOOL BUS AND TRAFFIC MONITORING**

**I refer to development consent 28. (Traffic Management). I demand assurance that my son's safety will not be compromised travelling to school due to the influx of traffic from this project.** I have personally been subjected to many near misses on Range Road during construction on Gullen Range Windfarm, and so I'm very aware of the ineffectiveness, non implementation and non-existent monitoring of the drivers code of conduct.

Traffic impact statement 2.2.1 documented Grabben Gullen Road carries 400-500vpd. This data was collected 2008 by RMS. As a regular user of this road I can assure you the traffic flow on this road is far greater than the 6 year old statistic. I undertook a survey on several days in May 2015 time frame 8.25-8.35am weekdays. I found the traffic flow to be over double that documented in 2.2.4 table 2.1. on average being 17 vehicles in that period, taking into account that the peak periods of traffic flow are 6-8am and 5-7pm. My calculation of traffic flow is 1000vpd. **Using table 4.3** the increase in traffic flow

would be another 220 vehicles per day on the road. If one was to use **outdated RMS data the increase would be 50%**. Using my calculations it is an increase of almost 25%. **To deem this" insignificant impact" on traffic flow is irresponsible.** Given the lack of sections of unbroken lines to allow overtaking **the congestion of traffic will be immense and will certainly impact on school bus timetables and safety.** An official updated figure should be established before project approval. The documented times of traffic monitoring was ridiculous given it would be the quietest time on the road during the day. Just another example of falsifying the numbers. **The only option to ensure the safety of school buses (and other road users) due to the increase in project related traffic will be to prohibit the use of the road by this traffic during school bus times and notified stock movement times.**

**School Bus Routes,2.4. Grossly misleading information. It is totally omitted that a second school bus route exists down Range Road to Learys Lane (which services Crookwell schools) frequented 8.15-8.25am and 3.45-3.55pm. This service has existed for 20+ years. In August 2015 Dept Transport approved an extension of an existing bus route on the Grabben Gullen Road between Biala/Gurrundah Road intersection to Grabben Gullen. This time frame is 7.45-8.25am and 3.30pm-4.10pm. There is also a school bus route on Grabben Gullen Road between intersection of Sapphire road and Gunning. Time frames are documented. I am unsure of these time frames. Yet more falsified documents.**

#### **MINIMISING FATALITIES OF RAPTORS**

I refer to development consent 21 (Bird and Bat Adaptive Management Plan). Nine of the 31 turbines are sited within 500m of PA boundary. Removal of carcasses is feasible on the PA but not enforceable on neighbouring properties. Unfortunately our raptors (and other wildlife) will have no knowledge of such boundaries and may scavenge on carcasses over the fence. I would like to point out that a condition of a Kangaroo culling permit requires the holder to "kill, tag and let lie". As one would gladly remove carcass to prevent injury/fatality to raptors within close proximity to a turbine it is in breach of the permit and prosecutable to do so. This measure reads impressively but is practically ludicrous.

## **FIRE RISK**

Development consent 33 (Bushfire). What are the procedures developed to manage potential fires on site? A definition of "suitably equipped" is required. Will the local brigade (Biala) be notified of these measures and is it an assurance that there will be no impact on our resources or property loss outside the PA if a fire was to eventuate? I don't feasible see how this can be developed and on this basis the project remains a high fire risk putting our lives and properties at risk.

## **MAINTENANCE AND REPAIR OF ROADS**

The surveying of required maintenance to the roads used for project should not be done by applicant but by an independent in consultation with ULSC. We have already been privy to the sidestepping of this obligation. There needs to be more stringent and binding conditions

## **ENVIRONMENT OFFSET CREDITS**

Biodiversity offset credits required are insignificant and laughable. As vice president of Gunning District Landcare, I know first hand the voluntary hours and effort needed to preserve and rehabilitate habitat as well as the cost. Once these natural environments are destroyed they are never returned to their original state.

## **VISIBILITY**

The requirement for the applicant to visual screen this project is preposterous at best. It is inconceivable to think a tree screen will ever reach the height required to hide these 185m constructions, let alone in our lifetime. Even for us 5km away and at lower elevation, to plant up our ridgeline will have absolutely no screening effect. The onus of the maintenance and growth of these trees is not made to be that of the windfarm owner or host but the affected neighbour at gross cost and inconvenience.

## **DECOMMISSIONING**

Development Consent states applicant must comply with conditions in Table 4. It states the applicant must action the these objectives including removal. However, it is commonly known that windfarms and particularly this one will



not remain the property of the applicant. As all of the conditions in the consent are only binding to the applicant there is no transfer of responsibility to ongoing owners to fulfil these conditions. I suggest this is a legal minefield and that deconstruction will never happen.

### **ABORIGINAL SIGNIFICANCE**

Sites of aboriginal significance have undoubtedly been identified. It is not clear what specific action is required of the applicant, when it is to happen and the repercussions of findings and responsibilities of the applicant to such. It is paramount that this is clarified. I should be noted that there has been a rare aboriginal site of significance identified approximately 10km East of the PA on the Lampton Creek, which not mentioned or tagged on the map.

### **TERMITE MOUNDS**

Provision has been made for the destruction of termite mounds, however on survey mapping none are located in the immediate vicinity of any construction areas. This is puzzling and needs review.

### **COMMUNITY INFO DAYS AND FUND**

The 3 community information days were a farce and no construction information was given or questions answered. On one such day a consultant for Newtricity proceeded to inform me that wind farms were not green energy and the turbines do not become carbon neutral in the lifetime. He could recall the facts and figures and was obviously well informed as to the negatives of wind farms but when questioned regarding the submission he had very little constructive information. Insightful and interesting given he was being paid by Newtricity to liaise on their behalf.

The establishment of a community Fund is of great concern given Grabben Gullen and Biala are the locations which will be most adversely affected. Grabben Gullen Progress Association would be the obvious body to tender for these funds. The community hall is governed by a trust committee of which the majority of positions are held by hosts of the wind farm and in the past have been obstructive to any projects or upgrades of this community facility.

**It intrigues me as to how two substantial government bodies being NSW P&E and OEH did not pickup or overlooked a lot of misleading information and miscalculations that are obvious to the average person. The only reasonable explanation to explain the gross amount of unreliable information I have found in this submission, given I have not read the submission in its entirety, is that NSW P&E, OEH, ERM and the applicant are all in collusion.**

**For the applicant to submit incorrect, falsified, misleading and incomplete information is blatantly arrogant and is a display of the contempt and disrespect the applicant has for this process and our community. For the NSW P&E to recommend this project based on this submission is downright ignorant and negligent. The NSW P&E and OEH should both be held accountable for their misrepresentation in regard to this submission. It is far from acceptable that the Minister recommended this project.**

I am available to discuss any of this issues at your convenience.

