

I have lived in Nundle altogether for 15 years. I live in the main street and own a heritage building (the old Butcher Shop) that my daughter and I operate as a studio and shop. I am a member (since the inaugural meeting) of the Hills of Gold Preservation Inc.

I am a visual artist and Nundle inspires, elevates and facilitates my creative endeavours.

For centuries, great Australian artists have been inspired by our unique and dramatic landscapes. Just think of Arthur Streeton, Albert Namatjira, Hans Heyson, Tom Roberts et al. and many more who've made art which captures the light, colours, landforms, sky and native flora and fauna.

Artists of today also deserve the opportunity to live and work in environments unencumbered by the trespass of industry.

To find the joy in being outdoors, in being in touch with the elements, in being absorbed in our beautiful heritage.

Those of us who live here are privileged to be protectors and caretakers of a rare convergence of elements.

In other parts of the world authorities have legislated against wind farms (wind power plants) in areas of high scenic beauty and environmental sensitivity such as the Yarra Valley and Mornington Peninsula.

As a member of Hills Of Gold Preservation Inc I have been involved in the considered and thorough research and assessment of this proposal over many years and too many iterations of the proponents' drawn-out, battle to prove that this project is viable.

The proponent has not adequately demonstrated that it has addressed the most critical obstacles that this wind farm presents to our community. Including:

That is it ethically green; that it has it the majority support of the local community; that it does not impact seriously diverse and unique eco-systems; that it's mega-size components can be transported to the site; that it won't destroy endangered habitat; does it not impinge on the Indigenous heritage/heritage/tourism values, that it does not destroy the "village" nature of the community; that water supply/sediment will not be seriously compromised; that the ridgeline and steep landforms can support the engineering required; that firefighting is not compromised; that it does not endanger the safety and protection of the fauna and flora surviving in Ben Halls Gap Nature Reserve; that it can mitigate sound and visual values adequately; that it can convince local governing authorities of its value compared to its detriment to the overall local community.

Each iteration of the EIS and amendments has failed to address all the above aspects to the degree necessary to warrant the DPHI's determination.

The proponent is unable to prove that this project is in the public interest even in the smallest degree. It failed to resolve any of the significant impacts. These impacts are, in fact, unresolvable.

The proponent's case for the construction Hills of Gold Wind Farm is ethically and practically obnoxious.

### **Generally**

I quote from an article by Revel Pointon, EDO Senior Solicitor, and Dr Justine Bell-James, Associate Professor at the TC Beirne School of Law, University of Queensland, was originally published in the [Griffith Journal of Law & Human Dignity, Vol 7, Issue 2, December 2019](#).

*“Australia is signatory to numerous international agreements which carry obligations protect our environment. These agreements are sought to be reflected in our environmental laws, particularly in the Environment Protection and Biodiversity Conservation Act 1999 (Cth). There is, however, widespread concern that both national and sub-national laws are not adequately protecting the environment, with Australia currently ranked fourth in the world for extinct and critically endangered species, first for mammalian extinctions, and increasing acceptance that we are in the midst of an extinction crisis. The reasons for the failures in our environmental laws are varied, but it is known that these failings have led to the high rate of biodiversity loss through excessive habitat clearing and fragmentation, increased incidence of invasive species, and climate change impacts.”*

*“Not only have our environmental laws failed to prevent significant biodiversity loss and environmental degradation, their operation has created scenarios of deep environmental injustice, particularly in regional areas of Australia.*

*Environmental laws are viewed by some as endorsing a licence to pollute, and a mechanism to manage the competing priorities of our demands for and upon natural resources, rather than actually protecting our environmental values.”*

The following quote is a Media Statement by the National Environmental Law Association regarding the July 2022 United Nations General Assembly resolution when they declared overwhelmingly that everyone on the planet has a right to a clean, healthy and sustainable environment. The resolution received overwhelming support.

“This clear recognition of this right can lead to broader recognition of our dependence on the health of the environment for our own health, more effective environmental laws and governance around environmental decision making, and improved environmental justice.”

**\*\*\*\*Please note I have attached a pdf file that gives a fuller explanation of the above that I urge the Commissioners to read in the context of this proposal**

This wind farm development impinges on our human rights to a clean, healthy and sustainable environment and threatens our environmental values. I ask the IPC to take into consideration our human right to continue to live in our Nundle/Hanging Rock/Crawney/Timor/Bowling Alley Point in an environment that is presently clean, healthy and sustainable. The proposed wind farm development will directly affect all those rights to a degree that is unacceptable.

### **Site Location**

In all its iterations the proponent has consistently ignored the community's concerns that the Wind Farm Commissioner's (now called Australian Energy Infrastructure Commissioner) "Observations and Recommendations on siting Wind Farms" have never been taken into account. Particularly about siting wind farms on areas of high elevation. I quote from his 2019/20 findings. "...NWFC has found that locating wind turbines on the top of hills or ridges, while optimum for capturing the wind resource, can have greater impacts on visual amenity, may lead to specific noise and shadow flicker scenarios for residents in the valley beneath and may have other dislocation impacts on the community. Access roads for hill and ridge wind farms can also be obtrusive and significantly damage and constrain the remaining available farming land in the area."

Is the Commission content to ignore the omission of such important data?

It is interesting to note that the AEI Commissioner is quoted elsewhere in the EIS when it suits the proponent's case. From my perusal of the EIS the proponent appears to be "cherry picking" when referring to the AEI Commissioner and his observations and recommendations. His findings are not relied upon in the much more significant and important matter of siting.

On the AEI Commissioner website "Site Selection" page

(<https://www.aeic.gov.au/observations-and-recommendations/site-selection>)

The AEI Commissioner again states in the latest iteration exactly the same as I quote above as to siting on areas of high elevation. So that remains his position over the last six years and it is proving to be the case in the Hills of Gold Wind Farm siting. Proposed on a high ridge overlooking our village and impacting so much of our visuals, way of life and the surrounding heritage and biodiverse landscape. In fact, the Commissioner comments:

*"Conversely, there appear to be minimal issues raised to date about wind farms that are located on large land holdings or on flat or slight to moderate undulating land and sites that are well away from neighbours..."*

He also Observes:

### **"Optimising site locations**

*There may be opportunities to select and prioritise projects in the current pipeline based on an increased likelihood of acceptance of the project by the surrounding community. With the increase in development and construction costs, the ongoing grid connection/capacity issues and the declining value of large-scale generation certificates, not all projects in the development pipeline are expected to go ahead. There is an opportunity to select projects*

*that meet other key parameters, including economic and regional development goals, while also selecting sites that are optimal from a community impact perspective.*

*Recent state and territory government initiatives, such as the identification of Renewable Energy Zones (REZs) in New South Wales, Queensland and Victoria, as well as the VRET Program (Victoria), Reverse Auction Program (ACT) and Renewables 400 (Queensland) have enabled governments to become more proactively involved in selecting projects that are located in more optimal areas. These programs also provide a level of oversight to help mandate community engagement programs to ensure minimal or no cumulative effects occur from neighbouring projects. Upgrades to the grid system at a national level may also provide opportunities to explore new locations for renewable projects, such as Project Energy Connect and VNI West.*

*REZs may need to contend with the issue of cumulative effects as developers concentrate their efforts in the REZ geography to leverage the transmission hub that is to be established. REZ administrators have the opportunity to license or select developers/projects that are most likely to achieve community acceptance as well as minimise cumulative effect issues as an unintended consequence of a REZ.*

*Given that existing projects have most likely already selected sites for their location, management and selection of appropriate new sites from remaining site options may become more difficult. A more 'top-down' approach to selecting proposed projects, together with appropriate long-term planning and deployment of the transmission grid, should assist greatly in managing this challenge going forward."*

To me this observation completely takes this proposed project off the drawing board. Firstly, we are not in a REZ. Secondly, we can conclude that there is scope for wind farm projects to be sensitively sited. The elevation, the closeness of the proposed turbines to unique and irreplaceable flora and fauna requires those who adjudicate this project to trust in people like the AEI Commissioner and his well-considered observations and recommendations based on multiple case studies and valuable feedback.

We need to be vigilant and strong in our commitment not to destroy the environment to save the environment.

I believe the DPHI has been remiss in not considering the AEI's recommendations way back in the first EIS and that if they had taken the recommendations into account the project would have been stopped in its tracks.

The IPC should consider why the AEI Commissioner's recommendations as to siting have been consistently ignored.

The AEI Commissioner also points out the need for strong community support.

"8.2.4 As part of the assessment suggested in Recommendation 8.2.1, the responsible authority should have processes in place to obtain and verify clear evidence of the developer's consultations with affected landowners and residents and be able to assess the likelihood of strong community support for the project."

The DPHI has also been remiss in not fully considering that, there is now, and always has been, a strong, steady, valid and vehement objection from the majority of the affected population of Nundle and Hanging Rock. Has the DPHI been able to “obtain and verify clear evidence of the developer’s consultations with affected landowners and residents and be able to assess the likelihood of strong community support for the project”? In my opinion and in listening to the days of the Commissioners’ hearings in Nundle last week, this is certainly not the case.

### **Visual Impact**

The IPC should investigate why the visual impact zone is concentrated in such a small area when a much bigger area will also have significant impacts. It is not just Jenkins Street that is affected but an area that would take in a 20km radius – this would give a better idea of the visual amenity and the impact on our landscape generally.

I quote *“The EIS must include a detailed assessment of ALL COMPONENTS of the project (including turbines, transmission lines, substations and AND ANY OTHER ANCILLARY INFRASTRUCTURE) in accordance with the Wind Energy Assessment Bulletin (DPE 2016)”*

I also concur with Tamworth Council’s Mr Steve Brake’s assessment and concerns regarding the engineering and visuals of the Transverse Track (IPC meeting with Council 15<sup>th</sup> January 2024) and believe the IPC needs to investigate fully why this has never been properly assessed.

There are still many areas that will impact Visuals that have never been assessed including the following (these are not all):

- No photomontage for the primary location (Wombrumurra Mountain) of the substation and associated complex (BESS), large work shed, car park, concrete batching plant, night lighting of the complex,
- The Western Connector Road from Crawney Road to the development corridor on the ridge
- Transverse Track on the face of Wombramurra Mountain, including large cuts and concrete or rock batters
- Private bypass road behind Pub
- Proposed construction vehicles car park

The impact will be felt both day and night with aviation hazard lighting affecting our beautiful dark sky. The character of Nundle and Hanging Rock villages have never been assessed and the DPHI has not required such an important evaluation of what will be lost. There is nothing to protect the nature of our communities that, to a great degree, depend on tourism. The turbines will dominate the landscape to a degree that will change and destroy the quiet village atmosphere – especially during the construction stage.

## **Noise Assessments**

The IPC should note no noise assessments have been required for the impacts on Jenkins Street residents when huge OSOM vehicles are using the village as a bypass (the road behind the pub). It will shatter our quiet village life. Residences on Crawney Road have also not been assessed for noise impacts. In Oakenville Creek Road there are three residences that have also not been assessed for noise impacts.

Also there has been no noise assessment as to the impact of heavy vehicle haulage up the Devil's Elbow on the villages of Nundle and Hanging Rock.

## **Tourism/Heritage**

The IPC's attention is drawn to the omission of fully assessing the impact on businesses in the townships that depend on tourism. This project has the ability to severely impact or devastate our livelihoods, mine included. Tourism is a major benefit on many levels to our villages, to the Tamworth area and as a unique, beautiful heritage village that benefits all Australians. Towns such as Hill End are conserved and protected because of their heritage value and tourism asset. Nundle and Hanging Rock heritage villages also have a strong case to be similarly conserved and protected.

## **Bypass Route Behind Pub**

This private road is to be built in a flood plain. Tamworth Regional Council officer (Mr Steve Brake) states in his meeting with the IPC that "...the very nature of the elements being transported would dictate that you can't have humps and hollows and excessive features in the terrain. So, it's going to have to be filled to a uniform gradient between those two roadways. It's necessarily going to be 2.5m high (or up to) in some points along this geography. And it's going to impact on the other side. This hasn't been assessed at all. It's kind of been a little bit dismissed that we are talking about flood impact. There's all sorts of legislation about what we can and can't even consider for approval. So I think that definitely needs to be addressed, may even be a fatal flaw in this thing that's been sort of, in my opinion, dismissed too readily at this point"

I draw attention of the Commissioners to this very serious omission.

## **Morrisons Gap Road, Barry Road, Old Hanging Rock Road and Devil's Elbow**

From a single OSOM route we now have **TWO**. This seems to me to double the impact and it is included to ostensibly transport one component. It will require vegetation removal, modifications of the roadways, impact roads that have never been required to transport heavy loads, trespass on private land and all to transport one component. Why can't all heavy components be transported on the same route?

## **I quote from OSOM route change during the Second Amendment, Nov 2022 (3.5 Unexhibited OSOM Route)**

*"The amended proposal reduces the impacts on the road networks through:*

- *Reduction of traffic forecast to use Barry Road and Morrisons Gap Road*
- ***The project will no longer require the Devil's Elbow Upgrade***
- ***Reducing the number of upgrades required for Morrisons Gap Road***

- *Reducing the number of vehicles forecast to use Barry Road which would reduce the risk of crashes on this road”*

## **November 2022 Transport Addendum page 2**

*“...use of Barry Road for Oversize Overmass vehicles, has now been removed from the scheme. The alternative OSOM routes now focus on accessing the site via Crawney Road”*

There is an unexhibited new intersection proposed at the intersection of Morrisons Gap Road and Barry Road that appears to give the proponent carte blanche to carry out unspecified upgrades at this intersection. The proponent proposes to turn from the correct side to the correct side of a road that does not presently exist. It would appear that a new intersection would be required to be constructed to be able to make the turn. The community and council have never been notified of this and the proponent has documented that “no modifications required”.

**I ask for the IPC to remove Barry Road and Morrisons Gap Road** from the heavy transport route options.

**I ask the IPC to remove the Devil’s Elbow route** from the heavy transport route.

Usage of this route will require modification of the Devil’s Elbow, will mean there will be slow moving transport hauling huge loads UP the mountain (not down as in the present logging trucks that already hog our roads).

There is an unknowable impact on the Black Snake Gold mine heritage diggings.

It was taken off the table because of these impacts and the community was convinced that all transport of heavy and OSOM vehicle movements would be via Crawney Road.

This option seems to have snuck back in. They are grasping at straws!

### **Tree Removal**

I ask the IPC to save our village trees. They are a beloved feature and have lived with us for many decades, they are precious to us in a way that the developer may never understand. Not only are trees precious in the work they do for our environment but their beauty and shade and wholesomeness sums up much of what we are fighting for on a bigger scale.

### **Conclusion**

Our lives have already been torn apart, perhaps irrevocably, and our way of life threatened. We are expected to allow destruction, devastation of our landscape, our heritage pillaged, our biodiverse and ancient wild spaces ravaged and all in the name of Green ... destruction in the name of Green – what a travesty!

Our business and livelihood will be dramatically impacted and our lives forced to be completely out of kilter with our values and aspirations.

Commissioners, please consider the strong opposition this has from the local community, we are holding strong, we are a valuable asset to future generations just as we are. We have lived and breathed this project for six years, we have researched, met with experts, looked

deeply into our connection and we have a right to live here unencumbered and without the spectre of industrialisation and the devastating impact that will have.

I add here what I have finished with on all of my other submissions:

“I also would mention here how much I appreciate living in an environment where the existing landscape contributes to the reduction of greenhouse emissions, where endangered animals still survive, where the mountains contain a capacity to hold water in a giant sponge based on its topography and undisturbed geology, where just on my doorstep there is a Heritage Listed, scientifically renowned Nature Reserve, where there is a harmonious combination of pre-European heritage, Gold Rush heritage and the heritage of vistas and views dating back to the 19th century. This country is where I can feel as though I am part of and belong to an ecosystem where rivers, trees, a mountain, birds, animals, vegetation, heritage and community has knitted itself into a unique, strong and fabulous garment, with a great Australian personality and with the ability to withstand any threat, be that man-made or natural and with fortitude and pride in our specialness stand up for it, defend it and speak for it and say NO!”

I REQUEST THE COMMISSION REJECT THIS PROJECT.