

SSD-9679 Hills of Gold Wind Farm – Submission- Objection

I'm an owner of a property on Morrisons Gap Road, NAD 24 and I object to Independent Planning Commission issuing consent for this proposed wind energy development.

Introduction

I do not agree with the conclusion drawn by the Department of Planning & Environment (DPE) that this project is in the public interest.

The presentation at the Public Meeting 01.02.2024 (Nundle) by the representative from DPE made the comment: "I think it's fair to say that assessing this project has been complex and challenging. The Department raised significant concerns about key issues for the project, including transport, biodiversity, and transport impact - and visual impacts. The Department considers these concerns have been addressed in several ways through changes the Applicant has made,".

The community would no doubt agree it has been a complex and challenging assessment process. However, it is a long draw of the bow to then conclude that the long list of concerns raised have been addressed through changes the Applicant has made to the project. It has been complex and challenging because the site chosen is not a good site for a wind development, it has failed to meet the objects of the Environmental Planning & Assessment Act 1979 (the Act). It also fails to show merit for many of the matters for consideration of the Act.

Changes to the project were made by the Applicant to address matters raised by the DPE. Changes that were necessary for compliance, not changes offered by the Applicant to address the concerns raised by the community.

During the Public Meeting the DPE representative stated "...the Department considers the site to be appropriate for the project..." due to its proximity to the electricity network and high wind resource, as the reason given for the suitability of the site for the development (a matter of consideration by c4.15 of the Act). Perhaps the complexities of the site have come from the overwhelming number of objections raised by the community and the substandard attempt by the Applicant to address matters raised, such as concerns about visual amenity, traffic & transport, and biodiversity impacts.

Visual Amenity

Why has the DPE chosen to ignore / fail to give weight to, the statement made by the Independent Expert they engaged to assess the Applicant's visual assessment?

The Independent Expert review stated:

"4.1.7...The effect of the turbine array on the extended ridgeline of the Great Dividing Range which is as a Key Landscape Feature within the broader landscape will partially industrialise the character of LCU 05 'Forested Mountain Ranges'. The resultant change of character to a combination of Natural Appearing and Wind Energy Character is significant. This proposed change will be critical to the ongoing community perception of the value of the surrounding Landscape. The effect of this significant change of character should be carefully considered in the evaluation of the overall Project suitability and determination of Development Consent".

The proponents have refuted this claim with advice from their own visual expert who drew a different conclusion to the independent expert engaged by the DPE, as stated in their meeting with the IPC (15.01.24). When describing the landscape character, the proponent's expert attempted to underplay the significant change in landscape character with the argument: "..., it is a highly modified landscape and that's in sort of constant transition as well." Additionally, there are seasonal changes of the landscape from agriculture and wholesale changes from forestry operations. These changes all relate to vegetation, grazing land and forestry and do not relate to the construction of man-made structures. Arguments with no merit or appropriate comparison to the installation of 230m high wind turbines.

One troubling discovery made when comparing the Independent Expert Review with the DPE's assessment report was the omission of NAD12 and NAD24 from the Independent Report (both located on Morrisons Gap Road, the northern end of the project). I am closely related to the owners of NAD12, hence noticing the omission. Both of our properties are "below the black line", NAD12 is only 1.3km to WT69 with VIZ1 impacts. NAD24 is approx. 2km with VIZ2 impacts. I contacted the author of the report to seek out the reason for the omission (22.12.2023). They promptly replied, apologised and explained it was done in error and advised they would notify the DPE of the error.

A follow-up phone call was made (06.02.2024) to the Report Author who also advised that there was confusion somewhere along the line as two properties were identified with the number 12, AD12 & NAD12. He also confirmed that DPE would be relying on the LVIA prepared by the Applicant.

So it remains unclear whether NAD12 & NAD24 received adequate visual impact assessment from an expert. NAD12 & NAD24 have been included in the DPE assessment report without, it seems, any input from a suitably qualified visual expert. I touched on this very lightly in my presentation at the Public Meeting when I advised that we'd contacted the proponent for additional information to be provided regarding visual impacts, in writing, a request that remains unanswered to this day.

This project does not meet the Objects of the Act. The visual impacts do not promote good design and amenity of the built environment and does not facilitate ecologically sustainable development due to the unacceptable negative social impacts that a change in landscape character will impose to the community. The change in character will harm the strong tourism industry the local businesses have worked hard to create, helped by the unique natural attributes the area offers. Such a dramatic change to the landscape character is not within the public's best interests.

The removal of Wind Turbines (WT) 64, 65, 66, 67, 68, 69 & 70 would alleviate the unacceptable negative visual impacts and potential noise impacts imposed on NAD12 as they are all located within 3km of the dwelling. The removal of the seven turbines would also significantly benefit other non-associated dwellings, mainly NAD11 as it is closer to the seven than NAD12, but will also lessen the visual impact burden on our property NAD24.



View from NAD24 Property, 04/02/2024, Susie Hooper

Biodiversity

The project site is directly adjacent to the Ben Halls Nature Reserve and Crawney Pass National Park. Conservation of these areas being the important reason that so many endangered species continue to be supported by the area. Many species which were identified in the proponent's Biodiversity Development Assessment report (BDAR).

During the Public Meeting an Engie representative mentioned that the BDAR is "now in probably its fifth or seventh iteration and has about 1300 pages". The original BDAR submitted as part of the EIS was dated 2020. At this time, NSW and many parts of the country were just emerging from the worst recorded drought which was declared in 2017. Many concerns were raised in earlier submissions to the project stating it was not an appropriate time to be carrying out assessment for a BDAR and perhaps the number of iterations can be attributed to this and the fact that further assessment was requested by DPE to account for the poor timing of the initial BDAR field studies.

Also, at the Public meeting a presentation was made by a representative from the Newcastle and Hunter Valley Speleological Society (NHVSS) who raised serious concerns about the DPE assessment of the impacts to the Bat species in the area. It was highlighted that the data used to assess the bat populations failed to capture the full extent of the biodiversity in the region. They explained that the information the proponent relied on was outdated and referenced an outdated 1985 Australian Kart Index. The DPE had called upon the Kempsey Speleological Society and did not specifically request the inclusion of caves in the Upper Hunter Valley and so failed to capture the Crawney Pass, Glenrock, Ellerston, Barrington, and Barry areas.

The DPE have relied on outdated data posing a great risk in the conservation of the cave ecosystem. The conditions of consent fail to mitigate this risk. For instance, B27 states "prior to the commissioning of any wind turbines, the Applicant must prepare a Bird and Bat Adaptive Management Plan...to the satisfaction of the Planning Secretary".

Conditions of consent need to detail assessment of this issue to be carried out at a much earlier stage than after the environment is disturbed by the construction of the WT and associated infrastructure. Given the proponents track record of carrying out a BDAR survey during an historical drought period and reliance on such outdated material, I ask that the conditions of consent require assessment to take place and reviewed by the Planning Secretary at the design phase of this project and not after habitat is at great risk of being destroyed forever.

The proponents stated at the Public Meeting "the project site is known to have high species diversity and density of microbats". They explained that was the reason three WT were removed from the project due to be identified as having a high collision risk and relocated a fourth WT to reduce to the likelihood of strikes. They explained further that for WT identified to still pose a moderate risk of bat and bird collision that they would utilise smart curtailment as a mitigation method. When questioned by one of the Commissioners how Smart Curtailment would work in practice the proponent answered, "I believe it is being used in Australian but I'm not aware of an outcome that we could be – that we could rely on".

The project once again fails to meet the Objects of the Act. The proposed development and draft conditions of consent fail to protect the environment, conservation of threatened species of avifauna and other unique ecological communities and habitats. There is no evidence to validate their claims that the proposed mitigation methods will work. The project fails to promote the proper management and conservation of the natural environment.



Vegetation along Morrisons Gap Road on NAD24 property, 04/02/2024, Susie Hooper

Access

I spoke about my concerns with access to the project site at the Public Meeting. I would like to reiterate that I do not support condition B30 which is permitting all vehicles except those transporting WT blades to use Morrisons Gap Road. Furthermore, I do not support condition B32 which refers to road upgrades and that Morrisons Gap Road is to be upgraded “as necessary to proposed sealed standard”.

Many people have raised concerns about the constructability of a viable access route to the project and within the project site at the Public Meeting and in their online written submissions.

I would like to draw on comments made at the Public Meeting by a representative from Tamworth Regional Council in regard to access to the project site. The question “is Barry Road and Morrisons Gap Road going to be part of the OSOM route or not?” was asked and he referred to condition B30 also, pointing out that Council are not clear on what they are assessing and commenting on. Significant gaps in the information were highlighted such as significant structures on Lindsays Gap Road details are missing. It was also raised that council has concerns of the possibility of catastrophic-type failure occurring that can’t be covered off by reconstruction later.

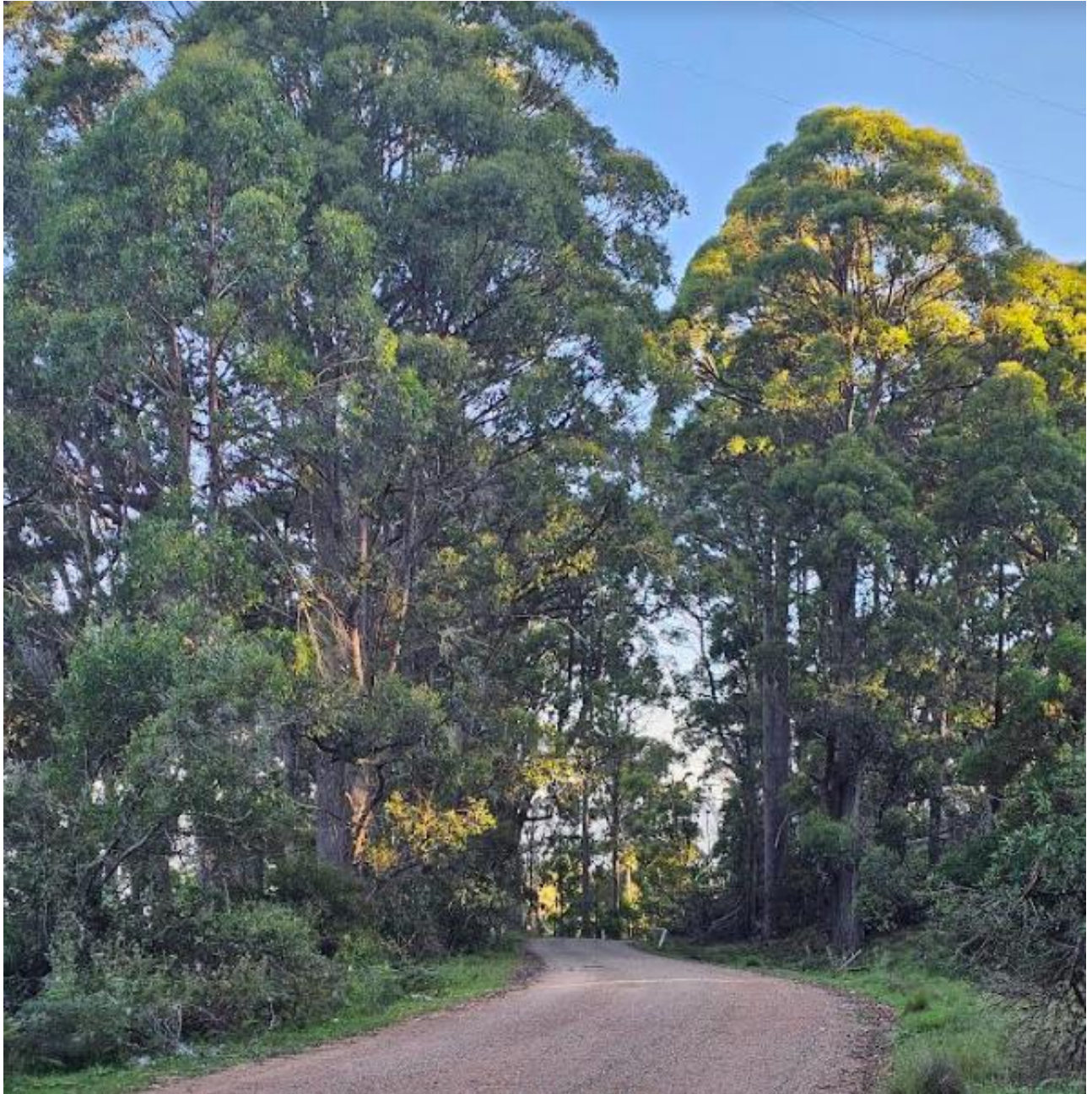
The conditions of consent fail the certainty and finality tests according to the Council representative. He makes the assertion that if there are such vague conditions of consent, is the project really at a point where the constraints around the project have had enough consideration. He further raises concerns that it is at this stage where it is appropriate to see engineering details for access up the (dramatic) escarpment as there are some very difficult elements of the project.

Draft condition A12 requires that prior to commencement of the development, approval is required to be obtained to construct a private haulage road through Crown Reserve land. According to the DPE Assessment report this also involves negotiating an Indigenous Land Use Agreement with native title claimants as the Crown land is subject to a native title claim. The project does not have a viable access route to the site.

The project once again fails to meet the Objects of the Act. It does not promote sustainable management of Aboriginal Cultural Heritage; it is proposing to construct a haulage road across an area of unresolved native title claim.



Hills of Gold Preservation Inc, www.hillsofgoldperservation.net.au



Morrisons Gap Road, 04/02/2024, Susie Hooper

Our community

The Socio-Economic Impact Assessment (SEIA) carried out SGS on behalf of the proponent for the EIS estimates the following number of jobs for the operational phase of the project:

“...the operational phase would be likely towards the lower estimate of 25 jobs. Of which 10-20% would be in Nundle, 30-40% in the surrounding LGAs and the balance in the rest of NSW.”

The DPE assessment report has overestimated there will be 28 operational jobs. The proponent has repeatedly reinforced that the benefits to the community will come from the local job opportunities. SGS estimates that there will be 2.5 jobs locally. The report also mentions there is a possible decline in tourism activity because of the development. The jobs lost due to the decline in tourism activity will cancel out the jobs on offer from the proposal.

The project fails to meet the Objects of Act, it is not promoting social or economic welfare of the community. The promise of new people moving to the area because of this project is misleading.



www.hillsofgoldpreservation.net.au/vocal-local-majority-opposition-to-engie-hills-of-gold-wind-farm



Conclusion

This wind energy development has failed to address the fundamental principles of the NSW planning process, it does not meet the Objects of the EP&A Act. This proposed development:

- FAILS TO promote social and economic welfare of the community; the number of jobs expected to be available locally has been grossly overestimated to the community.
- FAILS TO facilitate ecologically sustainable development as the project is weighted heavily towards economic benefits to a foreign owned company, far less weight has been given to the impacts on environmental and social factors. There has been next to no consideration given to the disruption and risk of irreversible damage to the strong Tourism industry sustaining the area as one example.
- FAILS TO protect the environment, conserve threatened species, ecological communities or their habitats, this project does not promote conserving & enhancing the community's resources so that ecological process, on which life depends, are protected and our present and future quality of life can be increased. The development requires the purposeful act of land clearing and ground disturbance which has been proven will lead to a decline in Biodiversity which cannot be offset elsewhere. The parameters of such a unique subalpine ecosystem in terms of temperature, rainfall, altitude, and snow melt, cannot be replicated.
- FAILS TO pay respect to or promote sustainable management of cultural heritage, especially Aboriginal heritage, with their intention to gain approval to destroy a place of cultural significance currently the subject of a native title claim, solely to construct a haulage road to transport materials and components to the development site.
- FAILS TO promote good design with proposing the requirement for extreme engineering design containing vast swathes of excavation through natural water courses disrupting the natural flow of water for the purpose of accessing the project site.
- FAILS TO comply with the Draft Wind Energy Guidelines currently on exhibition. Even though the timeline of this application is within the Developer's favour with the timing of the exhibition of the guidelines, in the same way Development Applications are assessed with any Draft LEP's on exhibition, surely consideration to the Draft Guidelines in this case is in the public interest.

During the introductions by the Chair of the Independent Planning Commission Panel on Day 1 of the Public Meeting we were told "We want to hear what you think about the merits of this application.", "...we encourage you to tell us whether any of your concerns could be addressed, either wholly or in part, by the imposition of conditions."

This project is not in the public interest, there are no conceivable conditions that could possibly alleviate the concerns I have about this project. I do not support the Independent Planning Commission issuing consent and ask that it be rejected.