



New South Wales Government
Independent Planning Commission

TRANSCRIPT OF PROCEEDINGS

RE: HILLS OF GOLD WIND FARM (SSD-9679)

TAMWORTH REGIONAL COUNCIL MEETING

PANEL

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JULIET GRANT
DUNCAN MARSHALL AM

OFFICE OF THE IPC

STEVE BARRY
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TAMWORTH REGIONAL
COUNCIL

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STEVE BRAKE
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SAM LOBSEY
MITCH GILLOGLY
CLARE JAMES
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LOCATION:

VIA VIDEO CONFERENCE

DATE:

1:00 PM – 2:00 PM
MONDAY, 15TH JANUARY 2024

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<THE MEETING COMMENCED

5 MS SYKES: Good afternoon and welcome. Before we begin, I would like to
acknowledge that I'm speaking to you from Gadigal Land, and I acknowledge the
traditional owners of all of the country from which we virtually meet today and pay
my respects to their elders, past and present. Welcome to the meeting today to
discuss the Hills of Gold Wind Farm Case SSD 9679. Currently before the
10 Commission for determination, the applicant Hills of Gold Wind Farm Proprietary
Limited, a project entity owned by Energy Australia and New Zealand, proposes to
develop a 390 megawatt wind farm approximately 60km south east of Tamworth,
near Nundle, Hanging Rock and Crawney, in the local government areas of
Tamworth, Upper Hunter and Liverpool Plains. The proposed project involves the
15 development of up to 64 turbines, up to 230m high, a 100 megawatt battery energy
storage system, a 330 kilovolt transmission line connecting to Transgrid's existing
transmission network at Wallabadah, and other associated ancillary infrastructure.
My name is Clare Sykes. I'm the chair of this commission panel, and I'm joined by
my fellow commissioners, Juliet Grant and Duncan Marshall. We are also joined by
20 Geoff Kwok and Steve Barry from the office of the Independent Planning
Commission, and just wanted to note that Steve will have to leave about 1:45 p.m.

In the interest of openness and transparency, and to ensure the full capture of
information. Today's meeting is being recorded and a complete transcript will be
25 produced and made available on the Commission's website. This meeting is one part
of the Commission's consideration of this matter, and will form one of several
sources of information upon which the Commission will base its determination. It is
important for the commissioners to ask questions of attendees and to clarify issues
whenever it is considered appropriate. If you are asked a question and are not in a
30 position to answer, please feel free to take the question on notice and provide any
additional information in writing, which we will then also put up on our website. So I
request that all members here today introduce themselves before speaking for the
first time, and for all members to ensure that they do not speak over the top of each
other, just to ensure the accuracy of the transcript. So thanks very much for your
35 time. We will now begin and perhaps may our first ask each member joining from
Tamworth Regional Council to please introduce yourself and, if applicable, provide a
verbal declaration of any actual or potential personal interests that you may have in
the project. Thank you.

40 MS VEREKER: Thank you. Clare. I'll start. My name is Gina Vereker and I'm the
director of Liveable Communities here at Council. And Liveable Communities
contains, all our planning functions as well as most of our community services. So
thank you. Appreciate the opportunity. I might now hand over to my fellow Council
officers. So, Andrew, start with you and you introduce yourself.

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MR SPICER: Yes. Good afternoon. My name is Andrew Spicer. I'm the manager of Future Communities at Tamworth Regional Council. And that means strategic planning and a number of other functions which are probably not as relevant today. I don't have anything to declare on this.

5

MS VEREKER: Oh, sorry, yes. And, Clare, sorry, I should have said I have no conflicts.

MS SYKES: Okay. Thank you.

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MR BRAKE: I'm Steve Brake. I'm the manager of development engineering at Council. I sit within the Liveable Communities Directorate. I have very close links to our asset managers and owners, so roads and drainage through our regional services and the Water and Waste Directorate who look after the water and waste, and sewerage elements of our operations, and I have nothing to declare. And thanks for your flexibility. I know we changed the agenda and the time frame, so thanks for that.

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MR GILLOGLY: Mitch Gillogly, team leader of strategic planning. I've no interest.

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MS RENNIE: I'm Lisa Rennie, executive assistant for our director of Liveable Communities.

MS JAMES: And Clare James, I'm Council's heritage advisor, and I haven't got any conflicts to declare.

25

MS SYKES: Great. Okay. Well, thanks very much for the for the introduction. So I think, we might just jump straight into the agenda items then with the opportunity to provide an overview of the submission and the key matters. and, you know, we welcome you to start making your presentation.

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MS VEREKER: Thank you. Clare. I might just start, with a general comment that you may not be aware of. Council has an adopted 20 year strategic plan called Blueprint 100. And I just wanted to make the point that that plan includes Council's position, which is the stated support of renewable energy. However, Council, Tamworth region is not included in the New England Renewable Energy Zone, yet. We currently have approximately 20 renewable energy projects currently in different stages of development within the region, and I'm, in some ways pleased but disappointed to report that only one of those is subject to a formal adopted Council resolution of objection and rejection. And that is the Hills of Gold. So the remainder of those other 19 projects, we are supportive of. So we do take counsel's position very seriously, and we take very seriously our commitment generally to renewable energy. We do have a PowerPoint presentation which we would like to run through, which we will share the screen with you. And then various of us will be speaking to our individual, specialities, if we may.

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MS SYKES: Thank you very much, Gina. That would be wonderful.

MR SPICER: Andrew Spicer. Yeah. I just would like to set a little bit of context for where we are in the world. Nundle and Hanging Rock is a pretty dramatic
5 environmental and natural landscape, and the people living there are not a lot, 600 people in those two localities, so the town and their immediate surrounds. The age, particularly at hanging Rock, is skewed towards the 50 plus demographic, indicating people have retired there. There's a strong, proud history in the locality, in the townships, in terms of the heritage buildings and also the history of agriculture and
10 especially gold mining. And as I say, the area is very notable for its very dramatic landscapes, hence the term hanging Rock, which is a massive cliff face in the locality. So I just wanted to just do that quickly to set the scene today. From Council's point of view, we have some key discussion points. The main ones really sit around access because access tends to relate to all the rest. So we'd like to talk to
15 you about heritage, and we have Clare on the line to assist us an expert there, site suitability, some legal advice we've taken and the public interest to conclude the presentation. So I'm going to hand over now to Steve Brake, who's an expert in the field of development engineering and roads and things.

MR BRAKE: Alright, if I just speak briefly through, the access summary, we've had this project in front of us in various iterations for six years now. The access options in particular have been subject to multiple iterations. So we started way back with an access scenario, especially for the oversized over mass vehicles that was going to be fairly low in impact. And they were talking about utilising blade lifter technology. So
25 it's a transporter that elevates the blades when they come to difficult terrain. There's any number of images of that sort of technology on the internet. So that's what we were working with, that was what the community consultation, early rounds were around. Especially that was sort of important in terms of Devil's Elbow and also Morrison's Gap Road, which are mountainous type, low key type roads, especially
30 Morrison's Gap Road, which is a fairly narrow, winding, gravel track. I guess it's a road, but it's fairly low key, through really pretty terrain. That was all discounted eventually because of the...They went away from the blade lifter technology, and then they went into some options that were very going to heavily impact on, especially on Devil's Elbow and Morrison's Gap Road. That all changed. And in the latest iteration we've had before us for any sort of serious consideration, they'd
35 abandoned any oversize over mass option up those roads, and they were going to put the whole lot out, turning right through town and going down Crawney Road and then through some property they've acquired there to get back up onto the ridgeline. A bit surprised to see the draft conditions come out with a, an option to take the
40 OSOM vehicles back up Devil's Elbow, basically everything with the exception of the blades. So a concern there is that that's had no assessment at all. So I'll get to that shortly. If we could maybe go to the next slide. So moving in on the transport route, Lindsay's Gap Road, I guess is an item that's not as noteworthy as some of the other items we'll touch on, but Lindsay's Gap road was the subject of a bunch of
45 obligations that the developer was going to adhere to in terms of upgrades. And there's a...We've asked them several times to include Sandy Creek Crossing. It's quite

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a notable creek crossing. It's halfway between Goonoo Goonoo Creek and Middleton Brook. And, it's failed to get on to that table. So I guess my thoughts as an engineer and pseudo planner, if you like, is that if you're going to put a table in an approval, and it's succinct and optimised. It needs to be complete. Otherwise it's a quite a
5 dangerous thing to do to leave something that substantial out. There are a bunch of other sort of more trivial elements to that transport route upgrade. So every time you widen a road, you've consequently got to widen all the culverts. And that can be handled with a generic statement at the bottom of that table. But Sandy Creek Crossing needs to be included. For what it's worth, if you were taking some notes or
10 you're going to transcribe this, my assessment is that it's their mileage 290.7. Well, it's km h. Let's get into metric. Sorry about that. Morrison's gap road. That's at the other end.

MS VEREKER: Sorry to interrupt you. Before you go on, which table are you
15 referring to when you said it's not on the table. Which table are you referring to?

MR BRAKE: It's table 7.2 tucked into the back of the draft consent.

MS VEREKER: Right. Thank you.
20

MR BRAKE: Okay, so jumping on to Morrison's Gap Road, an issue that hasn't been canvassed yet, but I think definitely needs to, is the proximity of some of the proposed turbines to Morrison's Gap Road, which is a Council managed roadway. So if you look at that slide there, I've picked up three of five turbines, but they're all sort
25 of in a similar circumstance, the closest being only 75m. When we plot those suggested coordinates for that turbine, to me that's completely unworkable because the blades are 93m long. So the implication is the blades are going to be hanging over the top of the roadway, which would be an unacceptable outcome. And the approval goes further and provides 100 metre radius for micro siting of these things
30 once the on the ground investigations start. My thoughts on that matter are that we need to be specifying and the ability of these turbines to even be installed needs to factor in an offset from that public roadway. It's fairly standard practice in the industry. A quick bit of research suggests that 200m is a reasonable, baseline offset from turbines to all sorts of features, including roadways, to allow for a reasonable
35 amount of safety in terms of blade throw. And then something that's going to happen in this locality as opposed to almost anywhere else in our region, ice throw from the blades which can be quite dramatic as well. So that 200m came from, a recommendation put forward by the Australian Energy Infrastructure Commissioner in his report to his people in 2022. Morrison's road, it's a fairly low key road. So
40 these things are statistically based. The likelihood of a blade throw in combination with the likelihood of someone actually being there in harm's way. And I think it would be reasonable to adopt that baseline rather than go for anything, you know, more substantial because Morrison's Gate Road is so lightly trafficked. I would point out, though, that during events of heavy snow, it becomes quite popular because half
45 of Tamworth want to go up there and experience that. So I think a condition needs to be in there. Well, some of these turbines might not even be viable. You know, once

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you start to look at that opportunity and constraint in combination with the rest. But as a minimum the relevant condition needs to be worded to say under no circumstance, even with micro location, can any of these turbines be within that offset from a public roadway. To the next slide.

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MR MARSHALL: Can I just clarify? Excuse me, can I just clarify that 200m, is that to the tower or to, the kind of, area where the blade swings?

10 MR BRAKE: Okay, so the report I read wasn't, blessed with any graphics, so I don't know, but I could take that on notice and, and get back to you that it depends which statistical model you're looking at. Some of them talk about from the edge of the envelope of the turbine, and some talk about its centroid location. I'll have to find out for you. But my gut feeling would be the centroid of the tower. Because that's a measurable distance and it's based on how far things can drop.

15

To the next slide. So Morrison's Gap road, and in particular, stretching that out to Barry Road and Devil's Elbow, I touched on this before, but we're talking this slide is really just to put some real world feel to what we're talking about. So in particular the bottom left hand image there, under the proposed approval, that size of vehicle would still be accessing the site via Devil's Elbows and Morrison Road, which as I said, is a tight little rustic, rural access track. So I just wanted to put some...

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MS SYKES: Could I just clarify that? Did you say the bottom left? So the one with the two red trucks and the...

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MR BRAKE: Yeah, and the dozens of wheels on the trailer.

MS SYKES: Got it. So that would still be accessed via Devil's Elbow. Okay.

30 MR BRAKE: Yeah. The other images are all about the wind vanes, which are again, a fairly dramatic element of the delivery process. That top left hand image above the one we were just talking about is the, blade lifter type truck. So it elevates the blade when it gets into that difficult terrain. And you can see they've been able to negotiate some fairly tight mountainous bends there without clearing and realigning anything.

35 The other images are of the alternative technology, which is to just transport the things with a great big long beam and a dolly at the back, and then that's the sort of, zone of impact that that type of delivery is going to have wherever we are in this project. So up the Devil's Elbow, up Crawney Pass, and then into some of the other tracks on the site. And then the next one. Nundle village bypass. Apparently this is

40 the access pathway proposed for the wind turbines. And there are a couple of elements of this that I think still haven't been addressed effectively or clearly understood by them, or some of the, decision making and recommendation people. So that intersection that you can see there, that's a picture of the intersection as it currently exists with the Winnebago on the right hand side and all the trees. It's fairly

45 prominent intersection in Nundle. And I think the locals kind of treasure that aspect. To run a wind vane through there, the graphic with the blue colouring on it is what

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was presented by the applicant, but the actual red lines on the outside of that graphic are the ones I've highlighted. They were on there, but they were very faint. But that's the envelope of the overhang of that vehicle and its payload. So what we're seeing on the top image with all the trees is ultimately going to look something like that bottom right hand image there where everything's just going to have to be taken out. The Winnebago won't be there, the trees won't be there. And the duration of that impact, use for the duration of the operational phase of this project, because they need to reserve the right to get back in and replace any blades or any damaged components on these things as part of the process, basically. So none of those trees, none of that can be re-established until 2055 or beyond. It's just worth bearing in mind, I think, that, it's not just a little temporary access track we're talking about here. It's a fairly devastating impact on that part of town and heritage, people can talk more about that, I guess.

15 The next slide. Same thing. So we move to the next one. We're talking about the, and again, about the proposed bypass track that runs across the private land underneath the PLN. So that track that sort of purported to be running across there in a fairly low key way, the suggestion is that it be taken in and out, on a needs basis. So the suggestion was also that it's just going to run across the natural terrain and not have any real impact on the behaviour of floodwater. I would differ with that. That presentation, there is a presentation of the depth of floodwater in a hundred year storm, and the dark orange, which it cuts across is up to 2.5m deep, which is which is telling us that there's a substantial difference in the terrain to the water level there. But this track is going to have to negotiate. The very nature of the elements that are 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 that geography. And that's automatically going to have an impact on that impounded water. 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're talking about flood impact. And there's all sorts of, legislation about what we can and can't approve or even consider for approval. So I think that 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.

35 MS VEREKER: And, Steve, do we need to clarify? I don't know whether the panel is aware that that is the main street of Nundle. So the pub on the corner, where it shows.

40 MR BRAKE: Yes.

MS VEREKER: Go on, Steve, you explain it.

45 MR BRAKE: Yeah. Where the words access track are written in red, that's the pub, the Peel Inn. the bottom of the red line. If we move the cursor down that location, there is the photos on the previous slides. We're looking down that street. That's

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where all those trees are. Now, just to put it all into context, let's move on to the next slide. Because this one's talking about not so much, infrastructure that Council is going to inherit and need to maintain. This is more about, I guess my other hat, my job as an engineer interpreting some of the engineering outcomes so that others can then properly assess the consequential impacts of that. So, disturbance of vegetation, visual impact implications, sediment and erosion control management implications. So here I'm just wearing that hat trying to interpret what's been put, in terms of something I can understand as an engineer into some language and some imagery that can be understood by people trying to assess those other elements. So we're talking here about the transverse track. It's the lower of the internal access tracks on the site itself and the Constructability report identifies this as a particular issue. So it works through the stuff that's relatively easy to construct. And that's the stuff up on the scarp where the terrain is, I guess, rolling and hilly, but extremely elevated. This tracks further down, sort of halfway down the mountain, if you like, and that terrain there is incised with creek lines. And to get across those creek lines with an access track that will be navigable by the wind vanes, obviously, you can't just follow the contours in and out in a, in a sort of a heavy hairpin or zig zag. It's just, you can't get those to, those wind vanes around that sort of terrain. So they're going to have to follow a fairly, smooth horizontal alignment that then throws you out in mid-air as you're running around a very steep scarp and then an incised gully. And there were several of these things. So the scale of the earthworks that we're talking about here is, well, six double decker buses high. So it's, you know, it's the best part of what was that number, Andrew?

25 MR SPICER: 24.

MR BRAKE: Yeah. 24, 25 metres high. So half an Olympic pool. The footprint is 100m wide looking at it from the top. So that's a football field. Vertically looking down and it's already on a big slope. So it's actually probably more like 130, 140m long, measured directly. And then that downhill batter, which is that big red line is, if you look at it from across the valley, the best part of 60 or 70m. So more than an Olympic pool again, it can't be constructed using normal construction techniques because the terrain is steeper than a normal stabilised batter. So it's going to have to be retained or rock stabilised or some other form of structural, treatment to provide it some sort of integrity. And it's going to be quite a visual impact for other areas. So all the visual impact assessment I've seen so far, montages the wind turbines onto the skyline and looks at them from different angles. I think this stuff's going to be just as dramatic, and it really needs to be looked at from all of those points of view the footprint, the visual impact. And I would also suggest, from its propensity for being scoured and slipping away, because it's really difficult terrain up here.

One thing that's not presented on that image that's come out of the, Constructability report is at the bottom of that lower batter. There's a stormwater pipe discharging water that's come down that gully because it's in a pipe now, it's going to be at a considerable velocity with a lot of energy, and it's going to need a stilling basin, which in itself is going to have another batter and another outlet structure and so

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forth down the gully. So none of that's been investigated. It's going to repeat itself on a part of the infrastructure that hasn't been addressed at all yet, which is their Western Link Road or Western Connector Road. So that takes from the last part of the site down to Crawney road or from Crawney road up, if you like. And that's
5 through terrain that's easily as difficult as the transverse track. And so this type of thing is going to repeat itself over and over again as they climb up the hill. None of that's been modelled or addressed, so I'm unable to comment on that. You know, how or if it can be constructed, it hasn't been touched on in the Constructability report was just sort of. Well, overlooked basically.

10 Maybe if we go on to the next slides, we'll talk about, erosion and sediment control and the propensity for that stuff to slip. All of these images are from the last 12 months. Well, they're about all in that same general locality. That's the sort of thing that can, and in my opinion will, happen on that internal infrastructure. My concern
15 there is it's not ours. It's not going to be a Council asset that deteriorates. Or has that sort of, manifests itself in that way. But from an environmental perspective, I question how you can, then get in and reinstate that sort of stuff. The Constructability report and some of the other reports talk about the legislation and the liability on the developer around that. That's fine. You can find them and whack them on the wrist.
20 But, in terms of practical outcomes and making sure that sort of stuff doesn't happen, I'm quite concerned about the terrain that they're trying to put the stuff through, because once it does do that, it then slides down into an impenetrable, inaccessible gully. You're not going to be able to recapture it and reinstate it. It's going to rebuild it and risk it all happening again and sort of cumulatively adding.

25 MS SYKES: Steve, could I just ask a question in terms of the previous slide with the batter?

MR MARSHALL: Yep.

30 MS SYKES: Here we go. The transverse track and Western access road. Just for clarification, that's referring to the area, I've just got a map here in terms of the project area around that Crawney road access point, is that correct?

35 MR BRAKE: Above that.

MS SYKES: Yeah.

40 MR BRAKE: Yeah, I can provide you with a graphic that shows you the particular areas I'm concerned with, with a highlight over them, but there's a transverse track within the site itself. It's always been there on their proposal, and it takes access from the top of the ridge to sort of partway down the ridge so that you can get to some of their other infrastructure, like the transformer sites and all those types of things which are sort of nestled, where the transmission line takes off from.

45 MS SYKES: Yeah.

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MR BRAKE: And then the second element, which hasn't been canvassed at all, really, it was just one of three options that they threw at us at the 11th hour is the track from Crawney Road up to that same point in the site, but okay, that's a whole
5 new feature altogether. So six years ago it didn't exist. Five and a half years ago it didn't exist. It's only been a contemplation for the last 6 or 8 months, and it hasn't been engineered or assessed in any level of detail, as I can see whatsoever. And it's five kilometres long. It's not just a couple of hundred metres of dirt track. It's a roadway five kilometres long, to get from Crawney to the meaningful part of their
10 site.

MS SYKES: Okay. Thanks, Steve. Yeah. Thanks for clarifying.

MR BRAKE: That's me.
15

MR GILLOGLY: Okay, I'll have a few words and then pass over to Clare here, heritage is a pretty important situation and matter for us in connection with Nundle and Hanging Rock. In terms of what it is, it is both the built environment and the natural environment. And there's some key things there. One of them is the Black
20 Snake gold mine, which is located at Devil's Elbow on Barry Road. The upgrades as required would potentially destroy that site. It's difficult to know where everything is under the ground but it is, it's an important thing. And Clare's kind of mentioned that, I think. And it's not...It should also be noted that the Aboriginal heritage throughout the landscape is pretty important as well, and these major works are obviously going
25 to have a pretty serious impact. Clare, could I ask you to say a couple of things around that?

MS JAMES: Yeah, sure. Thank you. So I just wanted to mention a couple of things. One of them is the broader cultural landscape values of the Nundle gold fields. So we
30 have, a specific heritage item with the Black Snake gold mine that's identified under our LEP. But the broader cultural landscape is also of significance, and it's an area that has not been surveyed. We really have very scant information about the exact location of the workings. We're certainly aware of the broader cultural, visual aesthetic values. And we had a very good study undertaken as part of the thematic
35 history for Fernando Minella and at the time by Joanna Boileau and that gives us a good historical context and provides us with a sound understanding as to its historical development. But we really don't know the detail and the location of workings. So my concern in a broader sense, is particularly with regard to the access, is that that does not appear to have been looked at in any detail. We have studies that
40 were initially prepared by ERM, in 2020, which identified for the Black Snake gold mine, that there'd be major direct impacts of the proposed new road construction on the mine itself. But we really don't have any gauge as to the impacts from vibration or any other types of impacts from workings as to what the implications are going to be. So that's a I think a major concern as far as the development is concerned. With
45 respect to the Black Snake gold mine itself, there were some subsequent investigations which found that the works would have a negligible impact on the

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mine. So that was on the basis of some geophysical assessments that identified three void areas that were likely to be a part of the workings, but no further information other than that. So we know that there are at least 20 locations of mine workings within the Black Snake Gold mine and the implications for the access track, the amount of construction that's going to be required. There hasn't been any, other than accessing on the track itself, there hasn't been any on the ground survey work because the terrain is very, very difficult, so there actually hasn't been, beyond the existing unformed track, there doesn't appear to have been any actual underground assessment. So there's a lot of unknowns. There's the concern that the construction is going to be based on a lot of guesswork, which is not appropriate. We really need to have a very, very sound understanding of any location and of working. So that's, I think, where there's potential for things to be irreversibly impacted, the vibration implications. That really hasn't been, I haven't seen any information that suggests what the impacts of that is going to be. So yes, that's I guess the principal concerns as far as impacts on the mine itself are concerned and as far as the, Nundle village itself, the setting, the curtilage of identified items which Andrew's just brought up on that slide, you can see that the township has a historical, historic heart as far as identified items. And they're all contributory and complementing each other in terms of the setting, the road layouts of significance in terms of the township and giving it its fundamental character. And it's highlighted through the type of plantings that have been talked about earlier as well. So how they are, they're reinforced. So there's substantial impact on those, the setting of those items, the town layout itself and interpretation of that which are not appropriate from a heritage perspective. So that's certainly a long term concern that...The small scale, they're very intimate, intimate nature of the setting of these buildings. That's all going to be substantially and probably irreversibly lost, and I don't believe that that's acceptable from a heritage perspective.

MR MARSHALL: Can I just ask a question there on the previous slide? With the map of Nundle. Are all of those shaded blocks listed items?

MS JAMES: Yeah, they're LEP items under our local environmental plan, the schedule five items.

MR MARSHALL: Okay and are there features on all of those blocks?

MS JAMES: They have buildings, they're principally buildings that are located that are considered of heritage significance. And there may be associated infrastructure on the sites, but they are principally buildings that would be located on those shaded, shaded areas.

MR MARSHALL: So I mean, we haven't got the building shown, but I'd be surprised if the road construction of that scale is going to miss the buildings. It looks like the roadworks might get very close to buildings, if not...

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MS JAMES: Yeah. And that hasn't been borne out by the assessments of the statement of heritage impact at all that's been submitted with the application.

5 MS VEREKER: So is it your understanding in the Department's assessment report, they talk about site access being option B. That's not, so they're not proposing to go with the option that would do what's shown on there. That's option A. And we're saying that option B is the one.

10 MR BRAKE: The state, right? Looking at a little bit of clarity, I mean the...option A, B and C were the three options for the track to come off Corny Road. So it's well south of Nundle townsite. They were the...And option B was the one that was resolved as being really the only one that was up for consideration. But yes, a good several kilometres south of here off a gravel road.

15 MS SYKES: So you're saying the bypass road through Nundle applies to all of them. Is that right, Juliet?

MR MARSHALL: Yeah.

20 MS GRANT: Well, that on figure 14 in the Department's assessment report would marry up with that map. That's option A. The report talks about only permitting option B, which is to do a big loop to avoid...

25 MR BRAKE: Oh, sorry.

MS GRANT: ...Exactly that.

MR BRAKE: Yeah. Sorry. Sorry. I was talking about...

30 MS GRANT: That route's not proposed to be supported by the Department.

MR BRAKE: Yeah. Sorry. I'll go back. There was an option A and B through Nundle townsite itself.

35 MS GRANT: Yeah.

40 MR BRAKE: The option that was discounted went from left to right on that image and then looped around the back of town and then headed down past the front of the pub. So past all of those heritage buildings, but on the actual existing roadway and that was discounted because of the impact on the trees and various intersections. So we're back to this option that cuts across the low lying land below the Peel Inn there, which that's fairly crude graphic that one, but it's roughly there. Sorry about that. Yeah.

45 MS GRANT: However Steve I thought that one now, the option preferred option now, is up in the air though it still has a significant impact on those heritage.

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MR BRAKE: Absolutely. As I discussed, yes. Yeah. So that option I was describing previously from an engineering perspective is almost certainly having to be elevated up within that tail border of the flood extent. That's that option there.

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MR GILLOGLY: And so where it comes out and I'm sorry about that previous graphic. I was having a moment putting all this together. But this is where it comes out. As you're heading up and joining the roads, head south on to Crawney, and the point being that that's a heritage building straight ahead, the Shire Council office. And so you'd be seeing the vehicles pulling under a fair bit of effort up past this building. And that's our concern for a lot of the buildings. Clare's the expert and I'm not.

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MS JAMES: Certainly the physical impact of any kind of vibration is a concern. They're predominantly masonry buildings, and that's certainly a potential impact that would need to be taken seriously.

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MR MARSHALL: I saw these trees that have to go, through the diagram.

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MS VEREKER: I'll just mention now we're talking, we talked about heritage, about sites suitability. And that's something that Council has been concerned with throughout this process and remains concerned that, if it was a Council DA, if there are serious, irreversible impacts to the environment, then the development must be refused. And it's Council's view that there are serious and irreversible impacts. And some of those we've touched on, some of those we don't have time to touch on today, but impacts to the natural environment, those roads that Steve has mentioned, the amount of clearing and we still don't have a full, fully detailed how much that will be. The impact from a biodiversity perspective on the little bent wing bat, the proximity to the National Park, the Colony Park National Park and Ben Halls Gap Nature Reserve with that proximity, there will still be, birds and bats that will be impacted by those turbines, and there will be strikes on them. And we are yet to see any report that tells us that that is not serious or irreversible impact, built environment we've talked about, which also relates to the heritage environment. There's impacts on economic tourism, in the locality. Nundle, as we said, it's about, from a tourism perspective, going and enjoying both the heritage and the natural environment. And both of those will be significantly affected by this development. And finally, the social cohesion. In the six years that we've been dealing with this, the community has basically been divided into two and it's crumbled and it's ongoing for the community. So whilst Council would like to see an outcome, should it be an approval? Council is not of the opinion that this will not end the impacts, on the community and that disparity in social cohesion will continue. And when Council looks at all these matters from a cumulative perspective, like we really think, the reality is this site is not suitable. So it may be a good project, but not on this site. John. Andrew. Thank you.

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MR SPICER: I was just going to touch on the proposed conditions and some legal advice that we sought and have received. We will provide the legal advice to you directly. A lot of the conditions are fairly vague, and the specific ones that I'd like to discuss just quickly are B 32 and B 33. I'm going have the part there where it
5 empowers the planning secretary, really, who is not the concerned authority to step in and resolve any disputes regarding roadworks. The issue, the advice we are receiving is that the consent must be determined with finality. I think that's fairly straightforward. And also the consent must be determined with certainty so that we understand what is being determined. So this relates to the proposed haul route,
10 which means that through the processes there, the planning Secretary could over time end up changing, what is actually, uh, the nature of the development. So the proposed haul route has been subject to a lot of consultation because it's been contentious. It's also fundamental to how this development could work and whether it actually can work. So I won't go on about the bottom part of it. And the next slide.
15 The advice also goes to flagging at least the complications and implications of how the Roads Act and the EPA Act interact in a situation like this, and it says that it's not clear how the plan, except for this resolution of the disputes, can be considered in the context of a section 138 group. So the conditions basically, defer the final consideration of the road upgrades and maintenance to a body that's not the consent
20 authority and given that the road works are fundamental to the entire project, Council concludes that the resulting consent could be declared invalid. And that is the terms that are used in the legal advice we've received and which will provide or forward to the chair of the commission.

25 MS VEREKER: So back to me, in our conclusion, and we're still leaving a few minutes for you to ask other questions, is Council's position that this proposal is contrary to the public interest. So we go back to the Act under which we work. We talked about that the site isn't suitable for the development. Steve's talked about, is it actually able to be constructed, and if so, what are the impacts of that and are those
30 impacts appropriate? So is this development in the public interest? And Council's argument is that it's not. If I look at the matters for consideration under the EPA act, clause 4.15, it fails to satisfy our local environmental plan, fails to satisfy in terms of the likely impacts of the development, is not suitable for the site. It fails to respond appropriately to the number of submissions that have been received. And so, in
35 summary, it's not in the public interest. And I think, today that's what we need to say. We're certainly open to further questions, and we will send through some of the questions you've already asked. We'll respond to, and send through the legal advice.

40 MR GILLOGLY: And can I just quickly switch globally, just touch on just going back to the access road through Nundle? I know we were talking about that just before. So in the assessment report on page 52, figure 14 and figure 15. So the assessment report says that the Nundle loop, which is figure 15, is the less desirable option and that the assessment report is proposing to, as part of the conditions of consent, support the figure 14, which is the private road through the back of the pub.
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MS SYKES: Thank you for clarifying that. And we'll take that take that into consideration when we continue our reviews of the assessment report. And, and thanks very much also for your preparing the detailed presentation. I just thought, were there any questions, from our panel members that you would like to ask
5 Tamworth Regional Council?

MR MARSHALL: I had one general question, which is in the summary slide talking about site suitability. You refer to, there being, in the Council's view, serious and irreversible impact. I'm just wondering whether, that's a response to the proposal as it
10 currently is, or whether it is moderated at all by the recommended conditions that the Department has proposed.

MS VEREKER: I'll make comment on that first, and then other members might want to. The problem with the conditions is they're so uncertain, and un-final that it
15 doesn't change Council's position on the fact that the development will create those irreversible impacts. There is no, I don't think, if I can say, there's no level of comfort for Council from the way the conditions are worded, and that's a real concern for us. And that's one of the reasons why we did go and get legal advice about the way the conditions are read. The other point, and I think Steve would agree, is that there's so
20 much information and detail lacking with this last round of information that's been provided. And we've gone around in circles from where it started from six years ago, back to some options that were disregarded and put aside because they because it was accepted by the proponent, they wouldn't work. And yet they've come back now. And so the lack of information, I think Council has no option but to determine that
25 there remain those irreversible impacts that can't just we cannot see how they can be addressed appropriately. Steve, do you want to add to that or have I covered it?

MR BRAKE: Yeah, I mean, it's a slightly nuanced concept but the same statement. Previously, and it was waiting for your involvement, the impact on Morrison's Gap
30 Road was a real, significant issue for the community and for Council. It's our asset and it's a community highlight. I guess that road, the proponent went to the trouble of having the whole road surveyed spatially located within its actual gazetted road reserve, and then running a design over that. The implications of that design, which was set up to accommodate the blades and transporting the blades, there was
35 retaining walls proposed on the boundary of that road, which is currently in a little rural, hamlet sort of setting and lifestyle blocks, six and seven metre high concrete retaining walls on either side of the road, but basically turning it into something like the, you know, the Sydney Expressway. And, that was a problem for the community from all sorts of perspectives. It was a problem from us because that becomes an
40 asset that ultimately we inherit. We've got no business managing five, six, seven metre high retaining walls in a remote bush setting. It's a nonsense. Point being, all of that data exists now within their database. I would question how the Constructability report and the environmental impact reports can be deemed to have been properly reviewed and assessed or prepared when there hasn't been a repeat of
45 that exercise. So the current proposition is that they're taking everything up that way, with the exception of those big long wind vanes. But that nacelle on the multi-

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wheeled truck that was in the graphic that's still going through there. Why can't we get, and how is it possible that we're contemplating issuing an approval, without that having been properly documented and assessed to the same extent that it was previously, when we were talking about the wind vanes? To me, that exercise needs to be done, and it just smacks to me of something that's being rammed through at the 11th hour without proper consideration. I guess that was the point of my earlier comment. We've had this thing in front of us for six years, but not in this form. You know, it's morphed into something that hasn't yet been assessed properly.

10 MS SYKES: So, so clarifying on that, Steve, the you're saying that the Morrison's Gap Road option or the original option sort of seem to remain unchanged, regardless of whether it's the large turbines or whether it's other vehicle types that they still will have to...

15 MR BRAKE: Okay so something, one thing, that's certain, Morrison's gap road has to be upgraded to accommodate something like that nacelle.

MS SYKES: Yes. Yeah.

20 MR BRAKE: If I was asked to interpret what that might imply, an engineer for the environmental people and the visual impact people and the heritage people, I couldn't do so right now because I haven't been provided with any information, all the base part is there to do so. But I could go back now and I just can't assess it. And I don't see how anyone possibly can now sit and say, well, yes, it's been properly assessed and we've considered all of the outcomes. It's not possible. And I would say the same thing about Devil's Elbows, which is a real hot potato, and then in the same, they're both going to be Council roads, Council assets, open to the public at all times, the same thing applies. But I guess in a less direct way to Council for all of the internal access roads which have yet to be properly modelled and addressed. So we just don't know how many of those massive incised gullies are going to be impacted by the access road, but we know when it does impact it. It's the size of a football field and beyond.

MS SYKES: Yeah. Okay. But did you have any...?

35 MS GRANT: I've got one question that's unrelated to anything we've discussed so far but the Department's assessment report spends a lot of time on the visual impact element, and particularly in relation to a sensitive receiver that they've named, DADO 1, which I understand had a refusal from Council for a dwelling and then subsequently got a CDC. Is that something you're familiar with? And if so, there was some discussion that we've had about the reasons for refusal and I wonder if there was anything that you could enlighten us on, on the circumstances around that refusal, and whether the concerns about access and bushfire risk perhaps still or don't exist.

45 MR GILLOGLY: Yeah, I can speak to that, it's Mitch Gillogly here. So I was formerly team leader development assessment. So with that one, off the top of my

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head, some of the reasons why we refused it was one of them was access, the other one was bushfire, and also not submitting an appropriate BAS6 certificate. You're right. They went ahead and got a compliance development certificate, and they've since built a house on that block. To be honest with you, I'm not too sure, off the top of my head, if it's in the exact same location that we refused it. but, you know, the access would still be, a concern.

MS GRANT: So sorry. Did you say you think they have built the house?

10 MR GILLOGLY: I'm not too sure I haven't looked. I know they've got the complying development approval, right? I'm not too sure if it's in the same location, as what we refused.

MS VEREKER: So it's for private certified, correct?

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MR GILLOGLY: Correct. Yeah. It wasn't a Council certified. It was a private certified.

MS GRANT: Yep, yep.

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MR GILLOGLY: And obviously that that had a significant impact on the location of those turbines. I think that knocked out maybe 4 or 6 of them.

MS GRANT: Yeah. Thank you.

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MR BRAKE: If I could offer a general comment, not so much as an engineer now, but an observer. The applications that have come through Council, the raft of stuff that Gina alluded to before, you know, up to 20 of these developments that have either been approved or in the process of being approved. It has been a frustrating process because my understanding from industry feedback is that there's about six times as many, applications running through the system, and they're speculative as there is capacity for the grid to accommodate the generated power. So I mean, therefore, a lot of these developments are really just speculative land improvement value exercises. I would question why, when so many of them are in reasonably accessible locations in terms of bang for buck, megawatts generated per negative impact, I would have thought this one sat way at the outside of the bell curve, the ledger of well, why would you even contemplate this development as opposed to something out on the plains or something near a transmission line elsewhere that's less divisive and less impactful? And, you know, the bell curve is a good analogy, but the community impact of this thing...Normally developments, you know, in my experience, I've been doing it for a long time, there's a bell curve of responses, that is the objectors far out on the right hand side of that bell curve, there's the rampant supporters on the left hand side, and there's a vast majority of people of ambivalent and kind of happy for the development to proceed, don't really care. possibly pay no attention at all. Definitely in Nundle and the surrounding community, that bell curve is upside down. And I don't think you find many people at all that are ambivalent

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about this. They're either way over there or way over there. To me, that says that this thing's, a very, very contentious exercise. Amongst a community that I think all of us support renewable energy. I've never found anyone that's not broadly, generally supportive of renewable energy. Anyway, that's casual observation.

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MS SYKES: And no, thanks. Thanks very much for those comments and just wanted to offer, you know, any other closing comments from Tamworth Regional Council before we...Oh, sorry. Duncan has one more question here.

10 MR MARSHALL: It might be an odd question at this point, but I just wonder, with the voluntary planning agreement whether, what the current Council view of that suggested agreement is?

15 MR SPICER: I'll answer that one. Council has provided its in-principle support for some elements of the VPA offer, that hasn't changed at all, because we have a Council resolution from the Councillors, strong objection. So there won't be a further movement in that area at the minute. We recognise that down the track, now, on top of those in principle elements, if it's approved, we'll need to look at negotiation with the company and we'll work through that then. But, as it stands right now, we're
20 looking, we've got a Council policy of 1.5% of capital investment. We don't agree with the 25% up front, but we recognise that that is a move in the right direction and we're prepared to talk about that between 25% and 50%. And we are also prepared as an organisation to agree and identify a particular road work or a series of road works that benefit Nundle and Hanging Rock as the cornerstones of that, if we get to that
25 point. Thank you.

MS SYKES: Okay. so. Just wanted to invite any further closing comments from Council before we wrap up.

30 MS VEREKER: Clare, I'll just say thank you again to the panel for giving us the time. I did wonder, about your site inspection, because I assume you will be visiting the site, and I suppose that the query from us is, is it possible for any of us to go with you like, I just think it'd be such an advantage if Steve went with you? Because he can show you some of these areas of concern that he's talked to and maybe not so
35 much the rest of us. But, I just wondered whether that was a possibility.

MS SYKES: Thanks very much. I might refer that question to Geoff Kwok from the IPCC.

40 MR KWOK: Thanks, Clare. Thanks, yeah, Gina, so we're in the process of coordinating the site inspection, where I'll reach out to you, if there are any participants that will be invited, from Council, any other relevant community groups as well. So since we're in that process, we'll get back to you, hopefully in the next week or so.

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MS VEREKER: Okay. Thanks for that.

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MS SYKES: Hopefully that clarifies, and, yeah, just wanted to thank you very much for your time today and for preparing such detailed presentations and information as well within, you know, a short time frame, and yeah, we appreciate that. And, yeah, we look forward to, you know, continuing and meeting you in a couple of weeks.

MS GRANT: Yes. And particularly meeting the Counsellors. So we would appreciate that too. (Indistinct)

MS SYKES: Okay. Well, thanks very much. And we'll now conclude the meeting.

VARIOUS SPEAKERS: Thank you. Thank you. Thanks.

<THE MEETING CONCLUDED.

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