

Director – Energy Assessments
Planning and Assessment
Department of Planning, Industry and Environment
Locked Bag 5022
Parramatta NSW 2124

DATE:12th December 2022

TO WHOM IT MAY CONCERN

RE: HILLS OF GOLD WIND FARM APPLICATION NO.SSD 9679

- I am attaching my submission to the abovementioned development application
- I hereby declare that I object to the Hills of Gold Wind Farm proposal ID no.SSD 9679
- I would like my personal details withheld
- I have not made any reportable political donations in the previous 2 years

I am yet again writing to OBJECT to the proposed Hills of Gold Wind Farm proposal ID no. SSD 9679 going ahead.

My detailed objections to the proposed project are outlined in my earlier submission No SUB-13700331 submitted on 28/01/2021. I would like the Department and the proponent to revisit my previous Objection submission alongside this current Objection to the Amendments as I do not believe my concerns were ever adequately addressed in the Proponent's Response to Submissions.

I am a member of Hills of Gold Preservation Inc and endorse and support the submission they will present during the present exhibition period.

I am a long term resident of Nundle who owns and lives in premises that would be considered to be in the "heart" of the Nundle village. As a member of Hills Of Gold Preservation Inc I have been involved in the considered and thorough research/assessment of this proposal over the many years and too many iterations of the proponents' long, drawn-out, abysmal battle to prove that this project: is viable; is ethically green; has the majority support of the local community; does not impact seriously diverse and unique ecosystems; can transport mega-size components to the site; does not destroy endangered habitat; does not impinge on the Indigenous heritage/heritage/tourism values, does not destroy the "village" nature of the community; can prove the water supply/sediment will not be seriously compromised; can prove topographically that the ridgeline and steep landforms are capable of the engineering required; can prove firefighting is not compromised; does not endanger the safety and protection of the fauna and flora surviving in Ben Halls Gap Nature Reserve; can mitigate sound and visual values adequately; can convince local governing authorities of its value compared to its detriment to the overall local community.

I can add: night sky lighting, aviation hazards, road degradation etc.

Each iteration of the EIS and amendments have failed to address all the above aspects to the degree necessary to warrant the Department's positive determination. The proponent is unable to prove that this project is in the public interest even in the smallest degree. It fails in these last Amendments to resolve any of the significant impacts. These impacts are, in fact, unresolvable.

These current Amendments make the case for Hills of Gold Wind Farm even more ethically and practically repugnant.

The proponent plans to completely destroy the village nature of Nundle. In their arrogance and hell-bent sense of entitlement they plan to tear and rip apart a beautiful, peaceful, small and historic little village as they carve their destructive path along our roads to their destination where they will decimate, mutilate and kill our landscape, our already endangered wildlife and skies for the sake of a so-called "green" solution to energy production. The fact that this is categorically the wrong location for their proposed development for ethical reasons, for the insurmountable logistical problems and for the studied destruction of so much is quite apparent but their solution to transporting the components to the site has resulted in the most farcical, transgressive plans to date.

TRANSPORT ROUTES

Upon reviewing the Amendments the transport routes now proposed are wholly destructive and inappropriate for the villages of Nundle and Hanging Rock. None of the transport routes are acceptable.

The so-called proposed “Nundle Bypass” private road would cut through the back of the shops and businesses basically in the middle of the village and exit the private road whilst still in the village, in fact only around 400m from the Peel Inn corner. It would require the removal of homes and trees and the negotiation of oversized components would be operating basically still in the middle of what is seen to be our village confines. The proponent does not show how this road enters and exits public roads, does not acknowledge how the community will be significantly disrupted by the No Parking Restrictions, does not address how the OSOM route or proposed private road would impact public recreation areas including the Riverside Park, Nundle Sport and Recreation Ground, and Riverside Walk.

There have been no flood assessments on this new private road. As early as Nov 2022 a flood event closed roads off and covered the portion of land this private road proposes to go over. Where will that water now flow? It would be assumed residences downstream will be adversely affected and are currently none the wiser to these proposed changes.

3:36 pm Wed 16 Nov
majorprojects.planningportal.nsw.gov.au

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3.5 Km's: Jenkins Street through Oakenville Street at Nundle.

Image 1:



PROCEDURE: Travel directly ahead on Jenkins Street.

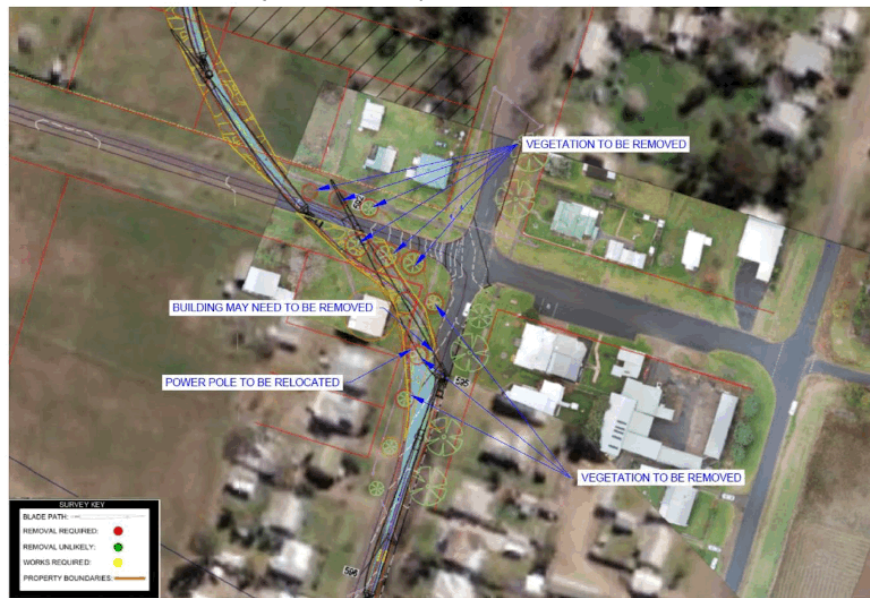
GPS LINK FOR SECTION OF ROAD: <https://goo.gl/maps/YyGbrPmDguBFQT219>

COMMENTS: Blades to travel directly ahead on the correct side of the road. A no parking

Referring to the “Nundle Loop” proposal via Oakenville St, Old Hanging Rock Road, Happy Valley Road, River Road and Jenkins Street. The proponent does not have relevant permission in place along this nor the “Bypass” route.

The proponent omits acknowledging significant mature tree removal on the median strip and trees lining Jenkins Street as seen above in the Route Study. The image is of poor quality and although taken in winter, does not adequately represent the heavy tree line along this part of Jenkins Street, the trees overhang the road. A comparative study (shown below) shows all trees to be removed and those “unlikely to be removed”. Why was the Jenkins Street image not treated in the same manner?

170 Metre rotor: Option 2, Step 2



PROCEDURE: Right hand turn into a private landowners boundaries, before reentering onto Jenkins street.

GPS LINK FOR SECTION OF ROAD: <https://goo.gl/maps/aFLwPYKuNdm>

COMMENTS: Some hardstand will need to be added across the private landowners boundaries. Several fences will need to be relocated, vegetation removed, and depending on what option is used some buildings will need to be removed and a power pole relocated.

A spotter will need to keep the driver informed throughout the procedure. Police and escorts to control local traffic either side of the intersection.

ROAD MODIFICATIONS: Yes, large amounts of work are required.

The route would require tree removal of mature trees that have been planted decades ago on the median strip outside the school, pool, Captain Cook Park and the mature claret ash trees lining the pavement in the same area of Jenkins Street – these trees are over 40 years old.

154 daily truck movements through our villages will pose a threat to pedestrian safety, change the peaceful, quiet nature of our streets and degrade our roads even more than they are already (with the churning up of Lindsays Gap Road making it already an obstacle course). We should not be expected to endure industrial traffic in our daily lives, it will make life hell, both from the point of view of traffic itself but also the constant noise of

them rumbling past. It will change the whole picture of Nundle as a “step back in time” “getaway from the rat race” tranquil village into an industrial thoroughfare.

COMMUNITY CONSENT

“The strong support given to the Project from the majority of residents who live in the nearby Nundle and Hanging Rock community demonstrates broad community acceptance of the Project.” (Pg 43, Amendment Report November 2022 Main Volume).

The proponent has never been adequately able to prove this “strong support”. Because they cannot. Because it is untrue. All surveys undertaken have proven the majority of Nundle/Hanging Rock/Crawney/Timor residents oppose this development wholeheartedly. 66percent of locals sent in Submissions in the last exhibition period objecting/opposing the project compared to 33percent who were in support.

Objecting Landowners have not consented to blade trespass, the project area is surrounded by non-associated dwellings.

The Tamworth City Council has categorically objected to the project.

The have concluded through their comprehensive research/scrutiny this proposal is not in the interests of the local community, the environment nor the greater Tamworth region for a wind farm to be built in the proposed location. They are supporting the majority `who are against this wind farm development and consider the range to be the wrong location for a industrial wind farm.

AMENITY

The whole character and nature of village life will be altered detrimentally and irrevocably were this proposal to go ahead. When considering this proposal the Department is required to consider “Amenity” and community expectations as to how a development will impact such amenity. “Amenity” has been described in various court actions when it pertains to rural villages etc as follows: “The court has noted the concept of amenity includes both tangible and intangible aspects...” and “Amenity does not include just the physical appearance of the surrounding, it also included the emotional or sentimental feelings that people may have about a place”. Not only will our village suffer serious physical inroads and degradation to our infrastructure and landscape values but we are suffering already from intangible aspects of the proposal. Our feeling of place and commitment to and love of landscape and village are being threatened. This prolonged period of assessment has created divisions, heartache, fear, tensions, anxiety and generally already negatively impacted on this aspect of “Amenity”.

The proponent does not acknowledge this disruption to Nundle and the surrounding residents’ “Amenity” in the original EIS or these Amendments.

ENVIRONMENTAL IMPACTS

The proponent repeats the statement from the original EIS, “...an appropriate buffer will be maintained where appropriate...” It is inappropriate that there are turbines anywhere Ben

Halls Gap Nature Reserve. This Reserve is there to protect some of the most critically endangered flora and fauna. **Ben Halls Gap Sphagnum Moss Cool Temperate Rainforest** has recently been upgraded to Critically Endangered under the EPBC Act as from 5th October 2022 - why was this not included in Engie's environmental assessment. In its Report the Department of Climate Change, Energy, the Environment and Water they stated: "As this ecological community is highly restricted in extent and it is not possible or unknown how to reconstruct it, it is not appropriate to propose offsets for actions that may cause damage"

Despite NPWS asking the proponent to remove wind turbines along the BHGMR, the proponent has not complied beyond removing one turbine and repositioning 19 turbines within a space of 100m -150m or so. The proponent then asks for permission to move said turbines within a 100m radius (thus returning them to their original sites potentially). The turbine design will still impede/destroy the safe traversing of the landscape and skies to the animals who call the Park and Reserve their homes (many of them endangered).

The turbines will also remain as an obstacle for efficient and effective bush fire fighting...despite the "gap". How absurd to imagine that nature will conform to the strictures of the gap!!

Oh my goodness, then there is the threat of the destruction of koala habitat. How is this possible after their decimation during the 2019/2020 bushfires causing their status to be upgraded from vulnerable to endangered. There is worldwide dismay and heartbreak at the imperilment of this, Australia's most widely beloved creature. And here we are contemplating 46.2h destruction of the land where it can survive this present crisis in numbers. It is galling to read in the Updated BDAR (Pg 583) that: "It is unlikely that Koalas inhabiting the development footprint would be considered part of an 'important population' of Koalas." Wow! That says it all about this developer! Every single koala is significantly and categorically important! The developer thinks that Biodiversity Offsets and Biodiversity Stewardship will be a good exchange Nothing can bring back an animal who dies from having its habitat destroyed... and nothing you can offset or steward can bring it back nor take its place.

"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."

I will finish my submission with the following 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.”

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.

This wind farm development impinges on our human rights to a clean, healthy and sustainable environment and threatens our environmental values as I have outlined. I ask the Department to make it clear to the developer that this site is not suitable for development and for them to withdraw this totally inappropriate proposal.

I reiterate from my first submission:

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!



Media Statement: NELA's Response to the UN Resolution on the Right to a Healthy Environment

In an historic resolution, the United Nations General Assembly has declared that everyone on the planet has a right to a clean, healthy and sustainable environment. The resolution – passed

last Thursday and received overwhelming support, with 161 votes in favour and eight abstentions.

NELA welcomes the resolution and recognises it as an important step in combating the rapid degradation of the natural world. Whilst the resolution ultimately is good news, it is important to recognise it is not legally binding and therefore does not directly change Australian law. However, it supports the growing argument that the right to a healthy environment is customary international law, which emerges from established international practices rather than a formal written source, and is legally binding.

Despite having immediate, practical effect, the resolution does clarify that the right to a healthy environment should be universally recognised and protected. **Further, the resolution reinforces the fact that environmental issues are also human rights issues, and elevates the climate and biodiversity crises in global politics. The resolution may also influence governments as they engage in environmental decision-making as well as Australia courts that rule on those decisions. Corporates should take note of the resolution and take more seriously the development and implementation of their net zero, ESG and climate risk mitigation strategies. Significantly, the resolution may act as a catalyst for new or revised environmental and human rights legislation, and policies that aim to recognise and implement this new right.**

Whilst the resolution has the potential to increase political pressure and progress cultural change in Australia, law-makers still have much work to do. While over 150 countries now have the right to a healthy environment enshrined in their Constitutions or in other legal frameworks, Australia remains one of a few countries without this right in law.

Notably, Australia does not have a Bill of Rights at a federal level and only three of the Australia States of Territories – Victoria, Queensland and the Australian Capital Territory – have passed legislation formally recognising human rights. However, those Acts do not include a right to healthy environment or environmental rights more broadly.

In those Australian jurisdictions with existing human rights legislation, there is an opportunity – and arguably, a growing global imperative – to enshrine the right to a healthy environment. However, in the absence of human rights frameworks in other Australian jurisdictions, a greater change is needed to ensure national recognition and protection of the right. Whilst this latest UN resolution indicates that the right to a healthy environment is within the purview of parliaments, both human rights and environmental debates need significantly more attention in Australian politics for the resolution to gain traction here.

NELA recommends that jurisdictions around Australia integrate the right to a healthy environment into new or existing environmental and human rights laws, **in order to better protect the fundamental ways that human health and security are dependent on healthy ecosystems and resilient environments.**

Dr Katie Woolaston,

The former Special Rapporteur on human rights and the environment, John Knox, stated that

‘[w]ithout a healthy environment, we are unable to fulfil our aspirations or even live at a level commensurate with minimum standards of human dignity.’⁵⁹

Knox has drawn a link between environmental harm and threats to a vast range of human rights, including rights to life, health, property, home and family life, food, water, culture and self-determination.⁶⁰ While those jurisdictions that enjoy recognition and protection of human rights generally may have the ability to argue substantively for the right to a healthy environment to be protected within other rights (eg the right to life), recognizing the right to a healthy environment directly in our legal instruments will have multiple benefits. Clear recognition of the 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. Ideally, Australia would entrench this right, along with all basic human rights, in our national Constitution. However, given that this seems unlikely in the current political climate,⁶¹ ***states and territories are encouraged to consider introducing the right to a healthy environment, along with other human rights where not already recognised, into their legal frameworks. This would enable all citizens to gain the benefits that a legislated human right to a healthy environment can bring for communities around Australia, and the environments we all depend on.***