

I **object** to the Bowmans Creek Wind Project. The Independent Planning Commission must not approve this project. Approval must include the following consent conditions:

- **Remove** turbines **59, 66, 67, 69 and 70**
- **Acquisition** of all non-associated properties within 4.5km of the nearest turbine. In particular, **Lot 40 Muscle Creek Road (DE-1)** and **E17-3**.

Visual

-The residence at E17-3 will be 4.088km from the nearest turbine. The photo montages show 12 turbines. They will dominate the views from this home. I suspect that they will be worse since we know that the montages are not accurate and effectively downplay the visual impacts of the turbines in the landscape.

CASA does require night lights, a fact that Ark Energy and the DPE have avoided.

In addition:

The property at Lot 40 Muscle Creek Road (DE-1) will be impacted just as much, if not **more** than property G17-1 which is tucked under the hill.

Why have no discussions with the owner of DE-1 occurred? There four properties that share a common boundary with DE-1. Discussions have been held for three out of four of those. Two have signed agreements and are now associated properties, one has had discussions with Ark Energy and the fourth has never been spoken to by anyone involved in the project.

Please consider the following table as prepared by the DPE:

Table 7 | Visual impact assessment: non-associated residences below the black line

Receiver	Turbines and distance (km) below the black line (<3 km)	No. of turbines between black & blue line (3 - 4.4 km)	VIZ	Complies with visual performance objective (Yes / No)				Recommended Mitigation
				Ark assessment	Department and OHD assessment ¹			
				All objectives	Visual Magnitude	Multiple wind turbine	Landscape scenic integrity	
Muscle Creek Cluster								
G17-1	T64 (2.04), T68 (2.11), T69 (2.16), T70 (2.20), T67 (2.25), T66 (2.39), T59 (2.52)	7 (T58, T63, T42, T41, T49, T32, T48)	VIZ2	Yes	Yes	Yes	No, turbines dominate the landscape	- Delete turbines T64 and T68 - Vegetation screening
DE-1 ²	T68 (2.58), T51 (2.66), T57 (2.73), T36 (2.87), T52 (2.95)	13 (T58, T63, T42, T43, T46, T47, T35, T45, T37, T40, T39, T38, T34)	VIZ2	Yes	Yes	Yes	Yes, dwelling could be oriented with primary views away from project	Vegetation screening

To summarize:

- DE-1 has 5 turbines within <3km vs 7 turbines for G17-1
- DE-1 has 13 turbines within 3-4.4km vs 7 turbines for G17-1

- DE-1 overall has a total of 18 turbines vs 14 turbines for G17-1
- DE-1 photo montage shows 29 turbines. A gap of 11 turbines.

In the assessment report the DPE, when referring to G17-1, states that *“the Department considers that the impacts on this residence would not be significant if Ark were to secure a neighbour agreement associated with turbines T64 and T68, or **acquire the property.**”*

Consent must include a condition for the acquisition of Lot 40 Muscle Creek Road (DE-1). This property is impacted to the same or greater degree as G17-1.

The assessment report of November 2023 prepared by the DPE includes section 6.2.3 Impact Assessment. I note the following issues:

1. The DPE states *“There are 49 non-associated receivers located within 4.4 km of the nearest proposed turbine, all of which are VIZ2 receivers (see Figure 5).”* This is incorrect. There are **two** non-associated receivers missing from this statement. Who else has been missed?
2. Visual screening for E17-3 is **not** a valid option for the following reasons:
 - The expansive views of landscape and sky are why I purchased the property. Mess up the landscape and devalue my home.
 - The turbines will project nearly a kilometre into the sky. Trees will never grow to a height that will screen the turbines from view.
 - No tree is ever going to achieve a meaningful size in the life of the project.
 - Planting and maintaining healthy trees will require substantial amounts of water. It is not readily available and the cost would be prohibitive. Is the DPE suggesting, and is Ark Energy offering to supply water for the life of the project?
 - Bush fire is a risk. Vegetative screening does not align with this. We have one road in and one road out. There has already been a fire in Muscle Creek in December 2023. There was a fire at Mt Owen in November this year. There was a very significant fire in Scone in October 2023 that was only contained by aerial methods. There was the Sir Ivan fire in early 2017 affecting Cassilis, Coolah and Dunedoo. It is only a matter of time before this area experiences a bushfire.
 - The potential for loss of life and property is unacceptable and the so called “benefits” of the project do not and should not outweigh this risk.

Every home and every person should matter but it seems the only issue that really matters is pushing this project through to approval whatever the cost.

Fire fighting now relies on aerial methods for containment so where does that leave properties that are impacted by turbines? They cannot be defended. Insurance will be unavailable or unaffordable. Is Ark Energy going to reimburse all residents for the increased cost of insurance? If insurance is unavailable is Ark Energy proposing to compensate residents for any losses? I also have an issue with the local fire captain being a major host and associated receiver. In the event of a fire that results in losses who is to say that bias won't play a role in the actions of the fire department and associated vs non-associated properties experiencing losses?

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Please also consider the findings of The Land and Environment Court Planning Principles on View sharing **Tenacity Consulting v Warringah [2004] NSWLEC 140**.

The Land and Environment Court says the first step which finds and includes that: Whole views are valued more highly than partial views i.e. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

The second step which finds and includes that: Must consider from what part of the property the views are obtained.

The third step which finds and includes that: the third step is to assess the extent of the impact. This should be done for the **whole of the property**, not just for the view that is affected. Including it is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe, or devastating.

Regarding the second and third step the VAB does not cover or take into consideration from what part of a property the views are obtained from or assessing the extent of the impact for the whole property.

The fourth step which finds and includes that: to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered **unreasonable**. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

The fourth step has shown that the development does not comply with one or more planning controls. The findings of the Land and Environment Court cannot be overruled by

the clauses and content of the VAB. Despite this the Department have not ensured that the project complies with the findings of the court.

I don't conduct my life oriented away from the wind project and I don't plan to do so. Visual impact must be considered as a whole and from the time I drive up the road and turn in the driveway to the time I go to bed. Considering any other option would be remiss on the part of the IPC.

Photo Montages

Based on the (inaccurate) photo montages done from E17-3 I will see at least 12 turbines from my property.

Please note that I requested that these photo montages be provided by the developer. I had to keep contacting them to obtain these. If I hadn't requested the montages they would not have been done. Note that any contact I have had with the developer has been initiated by me.

In my photos the turbines appear at a similar scale within the landscape despite the distance from the viewer to the turbines being approximately double. This comparison demonstrates that by increasing the horizontal field of view, the scale and impact of the turbines is visually diminished. As such they should not be used for assessing the scale and magnitude of the impacts as the impact of the turbines is visually diminished. The photomontages are non-compliant with the requirements of the VAB and they should not be used for assessing the scale and magnitude of the impacts as the impact of the turbines is visually diminished.

Night photos have never been provided by Ark Energy. The requirements that the turbines be illuminated has been ignored by all parties except by those who will be impacted. The CASA guidelines indicate each turbine will require a minimum of two lighting units per nacelle and one unit in the midway point of the tower. Ark Energy has covered up this requirement from the neighbours and communities affected by this project. If I wanted to live in an industrial environment I would not have bought here.

Noise

The noise modelling in the EIS was conducted by Sonus on wind turbine model – Vesta V162- 5.6 with serrated trailing edge blades and a hub height of 140m. This model was chosen because it is a representative example of the type of generation and size of the wind turbine generator proposed for the project. This model has a capacity of up to 5.6MW per turbine. Ark Energy have notified the DPE that the hub height will now be 150m and with a capacity of up to 6.2 MW per turbine. Ark Energy have never provided an amended report

advising of the change to the project regarding the hub height or the increase in capacity for each turbine from 5.6MW to 6.2MW.

The increase in hub height compared to the modelling is a 7% increase and the capacity is a 12% increase. No additional assessment has been conducted on these changes. The DPE have not asked for an additional assessment report as required. As a result, the project does not comply with the requirements of the Environmental Planning and Assessment Act 1979 nor the requirements of the Environmental Planning and Assessment Regulation 2000.

There are no controls and minimal monitoring. This is an issue because the noise modelling was only conducted up to a maximum wind speed of 9m/s however the cut-out wind speed for the wind turbines as advised by Vesta is 25m/s. Vesta advises that their 6.2MW models have a maximum sound power of 104.8dB(A), this is 0.8dB(A) above the maximum sound power level reported in the modelling presented by Sonus. Note a 1dB change in sound equates to about a 26% increase in sound energy. The serrated trailing edge blades wear and fail quickly, this will increase the noise generated by the wind turbines. Ark Energy have indicated they will only use predictive noise modelling to review the impacts of wind turbine noise on the community. The DPE has not challenged this approach.

This is not industry leading practice; industry leading practice is to install strategically placed real time noise monitors and evaluate the noise levels 24/7. Without a real-time continuous noise monitoring systems wind farm operations cannot be modified in response to changing meteorological conditions particularly noise enhancing conditions for example temperature inversions. The NSW EPA have the expectation that noise is being managed under all meteorological conditions. This is not possible without a real-time noise monitoring network.

To ensure compliance the consent conditions must include continuous noise monitoring stations to be placed at strategic locations. A review into the effectiveness of the noise monitoring locations should be conducted every six months after consultation with non-associated home and landowners. This requirement would then allow the project to react to and modify operations to ensure compliance including shutting down the operations if needed. This condition is now seen as standard for new projects that are approved regardless of the industry.

My property is going to be impacted by the noise of 18 turbines (see above table) and 29 according to the photo montage. Noise is magnified in my valley and travels significant distances. This has not been addressed or mitigated in any way.

The following was published in The Connexion on 13.12.2023 at 11.22:

A windfarm in southern France has been ordered to close due to noise complaints from residents and the effect it is having on birds, in the first closure of its kind in the country.

The managing company of the site - Énergie Renouvelable du Languedoc (ERL), a subsidiary of the German group EnW - now has 15 months to dismantle the turbines and close the Bernargues windfarm in Lunas (Hérault, Occitanie), the Nîmes Court of Appeal ruled on Friday, December 8.

The court recognised the turbines' capacity to 'damage the landscape and the amenities of the surrounding homes' in the village.

Consultation

Ark Energy have not consulted with the community or properly addressed concerns. This is a rural area and some members of the community have struggled to source information and communication from Ark Energy and the DPE. Consultation has not been inclusive or accessible.

Meetings were held via Zoom. They were not advertised in a timely manner and they were not held at times when people could easily attend without taking time off work. Not everyone is able to use a computer and login to a Zoom meeting. Attendance at these meetings was very low.

Ark Energy hid behind Covid and used that as an excuse to not hold public meetings and to exclude the community from information and updates.

Community Consultation Committee (CCC) – The last CCC meeting was held in October 2021, two years and two months ago.

The DPE, contrary to the requirements of the Wind Energy Guidelines December 2016 Clause 5.3, disbanded the CCC on 7th April 2022.

The CCC was supposed to work within the Community Consultative Committee Guideline for State Significant Projects January 2019. However, Ark Energy did not work within the guidelines, including publishing the CCC minutes on their web site within four weeks of the meeting. The DPE was made aware of the shortfalls, but no actions were taken. Of note a CCC meeting held on April 14, 2021, to consult about the recently released EIS, the minutes for this meeting were not published on the Ark Energy web site until October 27, 2021, 196 days (28 weeks) after the meeting.

There has been no formal community consultation in any format for over 2 years.

The IPC meeting held on December 7th was missed by many who would like to have attended. One individual found a notice caught against his fence at 5pm on the evening of the meeting. If he had known he would have attended.

The obvious conclusion is that every effort is made to minimise opposition to the project and limit the ability of the community to ask questions and to be properly informed.

Clause A8

Clause A8 is very concerning:

UPGRADING OF WIND TURBINES AND ANCILLARY INFRASTRUCTURE A8

The Applicant may upgrade the wind turbines and ancillary infrastructure on site provided these upgrades remain within the approved development disturbance area. Prior to carrying out any such upgrades, the Applicant must provide revised layout plans and project details of the development to the Planning Secretary incorporating the proposed upgrades.

This is too open ended and must be changed.

The EIS contains specific reference to the Wind Turbine Pad dimensions being 70m x 30m (Figure 12 conceptual Wind Turbine components).

The information Ms Riggs provided to the Department on October 28, 2022 does not match. Ms Riggs informed the DPE that the wind turbine pads would now be 70m x 220m each and the access roads would be 7m – 100m wide.

I assume this is to allow for the installation of far bigger turbines than originally stated in the EIS. If so, that changes everything in terms of noise, visuals, impacts, costs to build and dismantle, council revenue. The whole lot.

This is another example of the DPE and Ark Energy lying to the IPC and the community regarding A8 and the recommended consent conditions.

Wildlife

The EIS identified flora species requiring further assessment, koalas were assessed in this section of the EIS. The EIS justified not retaining the koala in the ecological survey for the following reason “Microhabitats within the subject land are degraded, such that the species is unlikely to utilise the habitat. Subject land occurs in highly cleared agricultural landscape with limited occurrence of preferred food trees. The answer to this should be to work to manage and improve the environment so that it can sustain koalas again. It is not an excuse to further damage the land.

We know that there are koalas in the area or that they at least pass through. One resident was quoted in the local newspaper advising that he had koalas on his property along with remnant rainforest. Doing further damage to the environment does not make sense. We all know that Australia has a woeful international reputation around species loss and environmental damage.

Summary

This project has too many issues to be considered for approval.

Please take this opportunity to send a message to all parties that the wind farm industry must lift their game. The DPE must step away, be less involved and play a proper role in enforcing rules and not enabling developers avoid the rules.

You have asked us all for our thoughts. I ask you to listen to what we all have said.