

Commissioners

Ever since we defeated the Jupiter wind farm (withdrawn in 2018 by the Spanish developer, days before the IPC public meeting), I have retained an interest in NSW wind farm applications opposed by a strong local community with a strong case. The Hills of Gold (HOG) community in opposition is very strong. The HOG project itself is very complex and would test the most experienced (in wind farm merit assessments) of Commissioners.

There were a diminishing number of questions from IPC members to speakers over the two public meeting days. The opportunity to ask searching questions was lost.

Of the three Commissioners, Commissioner Sykes would appear to me to have the most relevant skills and qualifications.

For those future readers of this submission, I have included Commissioner Sykes' CV from the IPC website:

*“Clare is the founding principal of a strategy and advisory consultancy specialising in resources and future energy value chains. For over 25 years Clare has developed detailed insights into the workings of operations, listed companies and government. Clare’s career has included leading complex multi stakeholder initiatives including resource sector technology and decarbonisation roadmaps, industry regional cluster and international market development, and mission-based innovation programs. Clare is a Mining Engineer (Hons 1, UNSW), holds a Graduate Diploma in Applied Finance and Investment, and is a graduate of the Australian Institute of Company Directors (AICD). Clare is a Churchill Fellow, serves on the Advisory Board of the Newcastle Institute of Energy and Resources (NIER) and is Chair of Resources NSW, an initiative of the NSW Energy and Resources Knowledge Hub.*

*Clare was appointed a member of the Independent Planning Commission in July 2022.”*

Impressive.

One of the options for the HOGwf Commissioners in a merit assessment will be to totally reject the application. It will also be most impressive if Commissioner Sykes can override her natural leanings towards “future energy” and “decarbonisation”. She believes she can, judging by her conflict of interest declaration. Also, I have not met many engineers who make good climate scientists.

Commissioner Sykes' introduction to the public meeting also contained a number of concerns. I know that this was not written by the Commissioner but is the IPC standard introduction for wind farms, being almost identical to the introduction by Professor Alice Clark for the Bowmans Creek Wind Farm.

Firstly:

*“We’re also obliged to consider public submissions and that is the purpose of today.”*

Obliged? I’m sure the Act is somewhat stronger than that. There are also hundreds of prior submissions that you are also “obliged to consider”

Also:

*“We want to hear what you think about the merits of this application. This is not a forum for submissions on whether you like or approve of the Applicant, the laws we must obey or the policies we must consider.”*

Why not? In which forum can we highlight the inapplicability of *Taralga Landscape Guardians Inc v Minister for Planning and RES Southern Cross Pty Ltd [2007]* as advanced by Engie’s senior counsel during your meeting with them?

And:

*“The application has already been assessed by the Department on our behalf.”*

So, the decision is made. We are only squabbling about the number of turbines to delete.

And:

*“There is no need to repeat your previous submissions – they are all available to us for our consideration. The Applicant and the Department have considered your submissions and taken them into account in the application and assessment and recommended conditions we’re considering today. Today, we want to hear your response to the Department’s assessment, its recommendation and the recommended conditions.”*

The only way you can consider the previous submissions is to read them.

For the author of Commissioner Sykes’ introduction to tell us that the Applicant and the Department have considered our submissions and taken them into account is laughable.

As for my response to the Department’s Assessment, it is as poor as I have seen in the last decade. Director Brewer apologized for the transposition of submission for and against numbers, describing it as an inconsistency. There is much more for which she could have apologized.

I note the expert report, Constructability Advice, by David Piccolo from PSM.

A nice piece of broad consulting. Unfortunately we are none the wiser as to whether the project can be constructed or the impact it will have on soil and water, as the response barely addresses the departmental brief. We are told on multiple occasions that we will have to wait until the issues are addressed at the detailed design stage, or even during construction.

That’s a bit late don’t you think?

I also note The Independent Expert review – Visual.

I am familiar with the work of the O’Hanlon group (O’HD) and its principal, Terry O’Hanlon. He has acted as a consultant to the Department on Landscape and Visual Impacts on a number of occasions, over a number of years. Like most successful consultants, he reads the room very well. O’HD was charged with providing an independent expert review report. O’HD is certainly not independent of the Department.

On page 3, in the description of departmental requirements for this review, the second one was; *“Where appropriate assessment of compliance with the performance objectives of the Visual Assessment Bulletin (VAB)”*

This he does with the skill you would expect from a **joint author** of the VAB. (This authorship was confirmed to me by departmental management and directly by Mr O’Hanlon to a Jupiter colleague) This admission was nowhere to be found in the independent expert report. Expert – as you would expect.

Independent?

Finally from the meeting introduction:

*“Even if your submission today objects to the application being approved at all, we encourage you to tell us whether any of your concerns could be addressed – either wholly or in part by the imposition of conditions.”*

The cynic in me translates this into “We’ll need some help to balance out our approval.”

Thank you

Anthony Gardner