

IPC Submission - Objection for Development Consent

IPC to question the integrity of this proposal and development.

IPC to address the transparency and consultation of the developers.

The Hills of Gold Wind Farm proposal remains one of the most controversial Wind Farm proposals in NSW.

While ENGIE and Someva representatives have continued to work with Supporters and Supporting Submissions to create a balance or to show Support for the Wind Farm, the Tamworth Regional Council and majority of the community of Nundle, Hanging Rock, Crawney and Timor still Object to the proposal.

There are many concerns and risks yet assessed or able to be mediated that relate to community division, soil, water, transport, visual and access.

The Hills of Gold Wind Farm if approved will continue to receive negative recognition for the unsuitability location of renewables and the demise of rural communities in NSW.

The IPC must show restraint in given consent or Approval to Renewable Energy Projects that are NOT in the best interest of NSW.

The DPIE was asked to question both the integrity of this proposal and development and to address the transparency and consultation of the developers.

The Development Consent 'fails' to address either.

***All of the information stated in this objection is freely available through Government Departments, CCC meeting minutes and through the Freedom of Information Act.**

At a public meeting nearly 6 years ago, the majority land host holder told the community that he had had the idea to build a windfarm over 10 years ago.

The majority host landholder approached Wind Energy Partners (WEP) about building a wind farm and a wind mast installed.

To date no site-specific wind data has been presented nor does the Western end of the proposal have site specific data.

Throughout the 10 years locals had noticed and complained to the Department of Land & Environment about unauthorised or authorised land clearing and it has been investigated several times.

The majority land host holder has been investigated for unauthorised land clearing on the ridge line within his property, unauthorised land clearing on NSW State Forest and Ben Halls Nature Reserve.

Incorrect boundaries existed and may still exist along Ben Halls Nature Reserve.

The majority host landholder has been fined and has had land put aside as part of an Environmental Agreement with the Department of Land & Environment.

In correspondence attained through the Freedom of Information Act it was established that Wind Energy Partners had signed off on the Environmental Agreement and also asked that the boundary to the Environmental Agreement be moved to accommodate the width of roads for the windfarm.

This land agreement is not like for like for the old growth trees removed.

When ENGIE purchased the windfarm from Wind Energy Partners and during community consultation both ENGIE and their representatives, denied knowledge of any an authorised land clearing but only when ENGIE & Someva became aware that the members of the community had seen the Environmental Agreement through GIPA, under the Freedom of Information act they admitted to unauthorised land clearing within the development area.

The Director of Someva was also once a Director of Wind Energy Partners.

During the EIS assessment period the Local Land Services Tamworth, approved authorised clearing by the majority host landholder on Wombrumurra Mountain, this approval by the Local Land Services was based on the use for agricultural purposes.

The majority of the development area sits within Class 7 and 8 highly sensitive soil areas.

This soil classification is off the highest grade and is classed for environmental use, National Parks and preservation, not recommended for Agricultural use at all.

In the Soil Appendix by ENGIE in January 2022 it was stated that Class 7 & 8 soils only related to farming and agricultural purposes and not industrial development, yet here we are with the developer claiming the existing use of the proposed development area as a cattle farm and an agricultural landscape.

The area of authorised clearing by Local Land Services also happens to be the location of a wind turbine and clearing that is beneficial to both the transmission lines and project infrastructure.

This authorised land clearing has occurred during a State Significant Development (SSD) assessment and application period.

The majority land host holder during this time also had approval to build a new dwelling on his property and claimed the existing dwelling was uninhabitable as it was too close to the windfarm, a windfarm that had yet to be assessed or recommended for approved by the DPIE.

During the SSD assessment period between exhibition of the EIS and the Amendment DA, two roads located along Crawney Road received a major upgrade including the removal of trees and installation of concrete pipes across Crown Lands and into the development corridor with the reasoning been for agricultural purposes.

When the developer ENGIE and their representatives were questioned about these two roads during a Community Consultation Committee meeting they stated these roads had nothing to do with the project or their development.

The developers ENGIE and their representatives throughout the last 12 months were totally aware of Tamworth Regional Council's objection to this development proposal on the ridge line and objection to the Devils Elbow transport route option.

In the development Amendment DA Submission, it was then notified that both of these roads built during a SSD assessment period were to become Option A and Option C alternative road access points for the development of the wind farm, delivery of wind turbines, Oversize and Over Mass Vehicles and access for the transmission lines installation.

This additional information after the CCC disbandment allowed for no constructive or genuine community consultation. This could have been avoided if genuine community consultation included the possibility of Crawney Road been used as an alternative transport route.

Lack of transparent consultation has led to confusion in the community with regards to free energy, or to be told the power will be 10% off that particular company, even now details are unknown but some community members think they will receive free power generated from this project.

Lack of transparent consultation has led to confusion in the community with regards to the tarring of both Morrison Gap Road and Crawney Road before the development and then to be told in the Amended DA, the tarring off the roads will only occur once construction is complete.

Lack of transparent consultation has led to confusion in the community with regards the Community Enhancement Fund, allowing Community members in support of the proposal to believe they would have absolute control of funds, even at a Nundle Business Tourism and Marketing Group meeting, members were also told this by a supporter of the wind farm business owner and a developer representative.

As part of the CCC, a Community Enhancement Fund workshop was held and it was discussed that there was no way these funds could be just handed over to a select group of community members.

During the CEF workshop it was acknowledged the fund would need to be handled by Council under a Section 335 and funds administered and expenditure would have guidelines attached including spending Community funds on Privately owned assets and Council and Public assets.

The developers and their representatives throughout the last 12 months have noted to the CCC & DPIE that consultation has occurred with traditional landholders which has since been revealed no such consultation or approvals are in place at the time of lodgement of the Amendment DA for the use of crown lands soon to be handed over to the Nungaroo Land Council.

Many landholders from Timor, Hanging Rock and Nundle have yet to be assessed for visual impacts or have signed neighbourhood agreements or trespass agreements, even after publicly and privately asking for this consultation. After almost 6 years, this is unacceptable.

CCC members and HOGPI members have been denied access to site visits by the majority landholder on 3 occasions, this denial has led to further mistrust, social division and no access to members of the community wanting to see the Western Site and Transverse location.

CCC members have had the opportunity to visit the site once, the group was broken up into 2 groups then told there would be no time to visit the Western end of the proposal.

The groups were only shown the cleared and flatter areas of the proposal stopping before Ben Halls Nature Reserve.

Community Consultation through inexperienced ENGIE team continually sees the working with Supporters of the Wind Farm, instead of putting that energy towards those objectors who needed further assessments.

HOGPI invited ENGIE representatives to a General Meeting with almost 100 members to hear community concerns and to try and answer unanswered questions. The ENGIE MD and Someva's Director chose to take the international ENGIE CEO to a Wind Farm Supporters meeting held at Nundle Bowling Club with themselves in attendance and sent staff that were brand new to their roles, with one staff member on his first day to hear the members concerns at the HOGP meeting.

This level of premeditated Consultation was unruly behaviour and only served to divide the community further and grow mistrust for ENGIE.

It would have been transparent and beneficial to all of the community to have held 2 meetings with HOGP and Friends of The Wind Farm supporters, instead of choosing to put on a meal spread for Supporters.

The developers ENGIE still underestimate or fail to accurately show the level of objection within the community or the strength in connection to the existing use of the range, rather consistently choosing to focus on support for the project, this kind of consultation or communication is extremely divisive and lacks transparency.

NSW DPIE website states that developers who commence construction or land clearing or road access to development proposals whilst in the SSD assessment period will be dealt with severely.

NSW DPIE website that developers of windfarms who deliberately mislead a community during consultation will be dealt with severely.

It is clear that both the majority land host holder and the developers Wind Energy Partners, consultants Someva and now ENGIE and their representatives over the duration of the last 10 years have worked together to create a landscape they deemed suitable for a wind farm development, in an environment clearly not designed for agricultural or industrial use but more for the enjoyment of the local community, the New South Wales community and a biodiversity corridor linking Ben Halls Nature Reserve and Crawney National Park.

EXECUTIVE SUMMARY - Jupiter Wind Farm

- During the assessment process, JWF reduced the number of turbines proposed to be constructed from 88 to 54 to address visual and biodiversity impacts.
- Councils objected to the original and amended development application, and consider that the potential visual impact of the project would be unacceptable in regard to both the public and private domains.
- Both Councils also raised concerns about the noise and traffic impacts of the project, and the potential risks associated with bushfires and the ability to effectively deploy aerial firefighting assets in the vicinity of wind turbines.
- None of the other government agencies objected to the project, but raised concerns about some aspects of the proposed layout. In particular, the NSW Office of Environment and Heritage raised concerns about the impacts of the project on biodiversity, including on a number of Endangered Ecological Communities and threatened species

In assessing the merits of the project, the Department has considered the environmental, social and economic impacts of the project, submissions on the EIS, relevant environmental planning instruments, the suitability of the site for the project, and the public interest, in accordance with the requirements of the EP&A Act.

Based on this assessment, the Department considers that the site is not suitable for a large-scale wind farm, and that the project is not in the public interest, and should not be approved. The specific grounds for this recommendation are summarised below.

Submissions (Community Opposition & Controversy)

- The project has generated significant opposition within the community, particularly from local residents in the vicinity of the wind farm.
- A significant proportion of directly affected residents and nearby members of the community objected to the project.
- The Department acknowledges that while there are supporters of the project, the consultation and community engagement undertaken by the Department indicates strong and widespread opposition to the project from the local community.

Visual Impacts

- The project would result in unacceptable visual impacts on the landscape and the residences in the local area. The distinctive feature of the landscape compared to sites for other wind farms is the local topography.
- The nature of the local topography significantly increases the potential visual impacts of the project compared to other wind farms, particularly for those properties on nearby elevated land which are located at a similar elevation to the turbine rotors.
- Given the nature and extent of the visual impacts, the Department considers that vegetation screening as a mitigation measure is unlikely to be effective or practical in reducing the visual impacts to acceptable levels.
- Overall, the Department considers that the site and surrounds is fundamentally not suited to a large-scale wind farm, and that there are limited opportunities to effectively address the visual impacts of the project without removing large number of additional turbines, which would materially reduce the benefits of the project as a whole.

- Ultimately, it is not the Department's role to design an 'acceptable' layout for the proponent, and given that the Jupiter Wind Farm has been under consideration for 5 years, the Department considers that it is in the interest of all stakeholders for a timely decision to be made on the current proposal rather than deliberating further on alternative layouts.

Environmental Planning Instruments

- Further, the Department notes that the State Environmental Planning Policy (Infrastructure) 2007, which is the key planning policy that regulates energy generation facilities in NSW, only seeks to override local planning provisions in rural, industrial, and special use zones where there is likely to be greater compatibility with existing land uses. The policy has specifically not included other zones where electricity generating works have the potential to result in unacceptable impacts with existing land uses such as residential, recreation, and environmental zones.
- This is particularly the case where the impacts are significant, and there is limited justification from a broader public interest perspective for overriding the local planning controls.

Public Interest

- **The project is not in the public interest.** The Department acknowledges that the Jupiter Wind Farm would generate a range of economic benefits in the local area and more broadly for NSW, including generating up to 240 MW of renewable energy, attracting up to \$300 million in capital investment, and creating jobs during construction and operations.
- The project would also contribute to the Commonwealth Government's Renewable Energy Target and is broadly consistent with the NSW Government's Renewable Energy Action Plan and Climate Change Policy Framework.
- **While the NSW Government supports the development of a sustainable wind energy industry in NSW, the EP&A Act provides a merit based approach to consider the impacts of projects against applicable statutory and policy requirements. This is supported by the NSW Government's Wind Energy Framework which clearly recognises the need to balance attracting investment in renewable energy in NSW and providing sufficient protection to the community.**
- The Department considers there is a suite of renewable projects (including both wind and solar) either approved and not constructed or currently in the assessment process that also have the capacity to provide renewable energy in NSW. The number of approved and operational wind farms in the region demonstrates that there are wind farm sites in the region that can provide renewable energy, making efficient use of the region's significant wind resources without significant adverse impacts on the local community.
- On balance, the Department considers that the Jupiter Wind Farm is a project where the impacts of the project on the local community significantly outweigh its potential benefits to the broader community of NSW.

Key Infrastructure

- Vehicles accessing the site would not be required to use local roads, however internal access roads servicing the northern part of the site would cross over Lower Boro Road. A new intersection for this crossing point would be required, with traffic on Lower Boro Road continuing to have priority over cross traffic.

In summary, following its assessment of the project, the Department considers that the environmental impacts of the project outweigh its benefits, the project is not compatible with the statutory land use planning framework, and that the site is fundamentally unsuitable for a large-scale wind farm.

- This position is supported by Queanbeyan-Palerang and Goulburn Mulwaree Councils, both of which have objected to the project. Consequently, the Department considers that **on balance the Jupiter Wind Farm is not in the public interest, and should not be approved. The specific grounds for this recommendation are described in more detail below.**

Issues with the Community Consultation

- **The community has also raised concerns about the adequacy of consultation undertaken by JWF since the original assessment requirements were issued in 2014. This has been raised in a number of forums including at the community information session, submissions, and direct correspondence with the Department since the beginning of the project.**

5.2 Unacceptable Environmental Impacts - the project would result in unacceptable visual impacts on the landscape and residences in the local area Approach to Assessment JWF commissioned Clouston Associates to prepare the Landscape Visual Impacts Assessment (LVIA) for the original layout and ERM to prepare a 'revised LVIA' for the amended layout (see Appendix F of the EIS and Appendix E of the RTS respectively).

Given the importance of visual impacts for this project, the Department commissioned an independent visual expert, Mr Terry O'Hanlon of O'Hanlon Design (OHD), to review the documentation submitted by JWF, visit the site and surrounds, inspect potentially affected residences, and provide independent advice to the Department about the landscape and visual impacts of the project (see Appendix D). Based on this review, the OHD report concluded that the methodology applied in the initial LVIA provides a more robust, transparent and reliable assessment of the impacts of the project compared with the revised LVIA.

There are a range of detailed reasons in OHD's report to justify this conclusion, but the principal reasons relate to the evaluation of the sensitivity of the landscape and its ability to absorb change, and distance from a residence where a turbine may result in a significant visual impact as discussed further below.

Landscape Impacts

- The landscape character for the project is a combination of pastoral / agricultural and woodland, and is not characterised by **areas identified as sensitive land use designations of National or State significance, or areas with high scenic quality.**
- **However, the Department considers that there are fundamental differences that increase the sensitivity of the landscape surrounding the Jupiter Wind Farm and the ability of the landscape to absorb change when compared to other wind farms in the region.**
- **The sensitivity of a landscape and its ability to absorb change is not only determined by designated sensitive land uses, but also by the number and nature of sensitive receivers that may be exposed to changes associated with a particular development, and the values that these receivers and the broader community place on the landscape.**

- It is also clear from the consultation undertaken during the assessment process that the existing landscape character is highly valued by local residents, and that the project represents a significant and unwanted change to the landscape values of the area.
- The value of the landscape was recognised in the original LVIA which found that the landscape has moderate/high sensitivity with limited ability to absorb change. In contrast, the revised LVIA in the RTS considered that the landscape has low/moderate sensitivity and is able to absorb a greater degree of change.

Visual Impacts on Residences

- The Department does not accept the impact ratings for residences provided in the revised LVIA for the amended layout and considers that the assessment generally underestimates the visual impacts of the project.

Night Lighting

- The Department considers that night lighting would further contribute to the visual impacts of the project, particularly as there are limited existing light pollution sources in the vicinity and many residences value the dark night skies as a feature of the area.
- While the Department acknowledges that low intensity lighting and radar activated lighting would reduce the visual impact proposed in the aviation assessment, 30 of 54 turbines may still require night lighting for the project.
- OHD also notes that there would be a more significant impact on views of the night sky from residences located at a similar elevation to the turbines and associated hubs.

Mitigation Measures

- While the Department does not accept JWF's assessment of the visual impact of the project, it acknowledges that JWF has considered vegetation screening and landowner agreements to mitigate the visual impacts of the project.
- However, the Department and JWF have different views about the ability of the additional mitigation to effectively reduce the visual impacts of this project to acceptable levels.

Visual Screening

- The Department acknowledges that vegetation screening can be effective in some circumstances depending on the visual context, and the nature and extent of the impact and number of residences involved.
- However, the Department considers that there are significant limitations for vegetation screening in this case due to the large numbers of non-associated residences with significant impacts.
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Removal of Turbines

- In many cases, where the Department has recommended approval of a proposed wind farm, it has done so with a recommendation that a number of turbines be removed to address the most significant residual visual impacts on residences. In some cases, it has also recommended that the landowners of significantly visually impacted residences be afforded voluntary acquisition rights.
- In this regard, the Department notes that these recommendations have generally only been made where there are a limited number of residences potentially affected, and that

the visual impacts are not so significant or widespread to warrant the refusal of the entire project.

5.4 Public Interest – the project is not in the public interest Renewable Energy

The Department acknowledges that the project would contribute to:

- the development of the renewable energy industry in NSW, and implementation of the state's Renewable Energy Action Plan, making efficient use of the region's significant wind resources;
- generate approximately 690 GWh of electricity a year, or enough power for 115,000 homes, and assisting Australia to meet its renewable energy target by 2020; and
- reduce the greenhouse gas emissions associated with electricity production in NSW. Although there are associated benefits from this renewable energy generation, the Department considers that these benefits cannot be realised without significant adverse impacts on the environment and the local community, particularly in regard to visual impacts.

Economic Benefits

The Department also acknowledges that the project would result in a range of social and economic benefits for the wider community, including:

- making a positive contribution to the local economy by creating jobs, and providing income to for the associated landowners; and
- providing ongoing funding for community enhancement projects in the local area.

However, the Department considers that these social and economic benefits cannot be realised without significant adverse impacts on the environment and the local community, particularly in regard to visual impacts. The Department also notes that the number of construction (230) and operational (22) jobs for this project may be overestimated as they do not appear to be commensurate (and are in the order of double) those associated with other similar wind farm projects assessed by the Department in recent years.

Alternatives

While the NSW Government supports the development of a sustainable wind energy industry in NSW, the EP&A Act provides a merit based approach to consider the impacts of projects against applicable statutory and policy requirements.

The Department acknowledges the contribution the project would have to renewable energy generation in NSW, **however, there is a suite of renewable projects (including both wind and solar) either approved and not constructed or currently in the assessment process that also have the capacity to provide renewable energy in NSW.**

The number of approved and operational wind farms in the region (shown in Figure 3) demonstrates that there are wind farm sites in the region that can provide renewable energy, making efficient use of the region's substantial wind resources without significant adverse impacts to the local community