

To NSW Department of Planning and Environment

### **Submission opposing the Hills of Gold Wind Farm (SSD-9679) project**

The 'Hills of Gold Windfarm' as proposed by Wind Energy Partners Pty Ltd (**Engie**), is the wrong development in the wrong place.

My family own farming property near the proposed site, which will have a direct and negative impact on my family's ability to continue to farm and on their and their livestock's livelihood.

My key concerns and reasons for objection to the proposed Hills of Gold windfarm have been recognised by the DPE and are as follows:

- (a) unsuitability of the site for a windfarm (at all, or at least at the scale proposed);
- (b) unaddressed issues of site access;
- (c) serious and negative impacts to high biodiversity values present in the region (including threatened species, for which no offsets can mitigate this risk) ;
- (d) the proximity of Ben Halls Gap Nature Reserve (BHGNR) and Crawney Pass National Park;
- (e) impediments posed to aerial fire fighting;
- (f) adverse noise and visual impacts;
- (g) loss of tourism;
- (h) significant erodibility;
- (i) land slip risk present on site; and
- (j) subsequent risk to receiving environments, including multiple drinking water catchments. ( page 14 DPE Report Dec 2023).

I endorse the objections that have been published on the IPC's website to date, some of which I refer to or expand on (without limitation) below. The issues raised below (and in other submissions published in opposition to the windfarm) clearly demonstrate the unsuitability of the site for a windfarm, the public interest in protecting the local environment (including threatened species) and the likely impacts if the project proceeds including environmental impacts and social and economic impacts in the locality. According to relevant planning laws, the IPC is obligated to take these matters into consideration. The only legal, proper and reasonable exercise of the IPC's powers is to make a determination which rejects the windfarm outright.

#### **Biodiversity**

#### **Soil and Water**

The DPE's assessment did nothing to minimise the serious concerns raised about risks of erosion, mass land movements and landslides and inadequate sediment controls."

3 independent expert reports commissioned by the Hills of Gold Preservation Inc (HOGPI) have raised concerns about the soil types found on the development area. These Class 8 soils are classified as not to be disturbed! "-

Class 8 soils are defined by the Office of Environment and Heritage land and soil capability assessment scheme as "Extremely low capability land: limitations are so severe that the land is incapable of sustaining any land use apart from nature conservation. There should be no disturbance of native vegetation." Recommended usages of Class 8 soil land are restricted to those compatible with the preservation of natural vegetation, including water supply catchments, wildlife refuges, National and State parks, and scenic areas.

The HOG WF is on a unique part of the Great Dividing Range as the origin of 3 river systems - the Peel, Isis and Barnard rivers."

Through the inability to contain erosion, potential mass movement and run-off, sedimentation of the river would occur. These Soils contain phosphorous, which is released when it reaches the water systems and causes Blue Green Algae blooms, smothering aquatic habitats here and downstream. A very expensive costly impact both in terms of environment and dollars!"

The Timor, Crawney and Isis valley communities will be severely impacted if these above mentioned environmental impacts occur to the Isis river and the springs and streams, which feed it, that are all lying within the HOG WF development. The Isis river is used for stock use, domestic use and irrigation.

### **Environmental Impacts – Threatened Species**

There are 14 listed Threatened fauna species within this development site that will be impacted and put at further risk."

Koalas are one of these and 46.2 ha of koala habitat will be cleared. NSW Koala Strategy has set a target to double koala numbers by 2050 or it is feared they will be extinct in NSW by that time. The NSW Government lists some the greatest threats to koalas as habitat loss, fragmentation and degradation of habitat, bushfire, vehicle strike - all of these are present as impacts of this HOG WF proposal.

It is not reasonable for a windfarm to be constructed (for purely commercial/financial reasons) on a site where this will create a clear risk to the existence of threatened species (including koalas) and a risk to water supplies depended on by the local communities (for humans, livestock, farming and the flora and fauna).

It is not a relevant consideration and nor is it reasonable to take into account biodiversity offsets to mitigate the loss of threatened species – this is a loss which cannot be offset and which we (and the IPC and relevant Governments) have an obligation to prevent occurring.

### **Bats and Birds**

There is a significant amount of inaccurate and outdated information in the reports relied upon by DPE and highlights the inadequacy therefore to inform critical decisions about environmental conservation. The data used is taken from a 1985 reference book ( Australian Karst Index 1985), which fails to reflect the current documented caves ( and their inhabitants) in the development area of concern.

As just one example, the references cited only 3 of the known 9 caves at Crawney Pass, 1 of 2 known in Barrington, and does not even mention the further 171 caves"

The reliance on the outdated , inaccurate information negates the DPE's entire assessment of the threats to Bats ( and Birds); it undermines the accuracy of the proposed Bird and Bat Adaptive Management Plan (BBAMP); it renders as useless Engie's Environmental Impact Statement studies; and puts into jeopardy the long term viability of our ecosystems."

The DPE had an obligation to ensure that decisions affecting our environment are based on the best, current scientific data. This did not happen."

The mitigation measures in the Report are woefully insufficient, ignoring the complexities of bat ecology and behaviour and the interconnectedness of their habitats.

## **Conclusion - Risk of breach of obligations by IPC if the windfarm is approved**

Given all the risks of proceeding with construction of the windfarm, including those outlined above (but expanded on by other members of the local community), the windfarm should not be permitted to proceed at the proposed site. It is no answer that costs and time has been incurred to date, or that there is a chance the project will bring future economic opportunities (the vast majority of which will be for the benefit shareholders of French company, Engie). Commercial drivers such as these cannot be given priority over the risks of irreversible damage to threatened species and to the local community and environment, which have been identified so clearly if the project proceeds on this site. The site is clearly unsuitable.

It is the obligation of IPC to take into account (among other matters relating to relevant planning laws) the suitability of the site, the public interest, the likely impacts including environmental impacts and social and economic impacts in the locality. Given the matters that have been raised in this (and other objections) in relation to these considerations, the Independent Planning Commission would be in clear breach of its obligations and will be acting *ultra vires* if a determination is made to proceed with the project. Individual members of the IPC hold personal responsibility for decisions of this kind, and would therefore risk being personally liable for any loss or damage suffered by members of the local community as a result of their breach of duty/ies .

Please, in accordance with your legal obligations, give proper consideration to the objections raised in relation to this project (including by the local community who are the ones who will be so severely impacted by a project of this kind) and do what is necessary to protect the community and the environment – by objecting to this project.

## **Engie – no guarantee of economic benefits to the region and recent history of cutting corners**

Engie have boasted of their decommissioning achievements at Hazlewood Power Station, which closed and ceased operations in March 2017 (with only 5 months notice given to the Victorian government). The Federal government has had to investigate Hazlewood's rehabilitation, amid concerns the mine will contaminate waterways and will destroy nearby farming crops and water supplies to livestock and humans. A report found Engie had not adequately assessed contaminants at the Hazlewood complex, or completed sufficient sampling of groundwater and surface water. This lack of adequate assessment is entirely consistent with Engie's corner-cutting approach to the Hills of Gold project and must not be tolerated. The Federal Government is on notice of Engie's deficient practices and must take this into account in considering the project. They may have fooled the Federal Government once (and caused the local communities of Hazlewood immeasurable and potentially irreversible loss and damage), but they should not be permitted to fool the Government again.

Engie has also only just recently (in February 2024) announced it will shut its two power stations in Port Lincoln, South Australia, as losses mount at both plants.

As an overseas (French) company whose loyalties lie with its overseas shareholders, the IPC should not be under any disillusion that the proposed Hills of Gold windfarm offers any assurance of long term economic (or similar) benefits to the region. The recent closures of plants in Hazlewood and Port Lincoln confirm the opposite is true when it comes to Engie and provide a precedent of the devastation that can be left to the local communities and environment in the wake of their collapsed projects.

## Conditions of Consent

If the IPC approves this Application (which, as stated above, I do not accept would be a legitimate determination or a decision for which loss or damage is capable of being mitigated or compensated), I ask for the following Conditions of Consent.

- 1) Condition of Consent B21 (b) (iv) needs to be amended and strengthened to include “avoidance of impacts on the quality of water flowing into the Chaffey and Glenbawn Catchments AND the Isis River.”
- 2) Condition of Consent added to B21 (b) to include “avoidance of impacts on the quality of water flowing into Perry’s Creek, Pages Creek, Dead Eye Creek and Whites Creek” to protect the interests of the Isis river communities.
- 3) Condition of Consent for removal of 17 turbines, as indicated by DPE report, due to non-compliance with visual, noise and biodiversity guidelines be upheld. Remove WTGs 9, 10, 11, 24, 28, 42, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63
- 4) Condition of Consent that there be no use of Upper Hunter Shire Council (UHSC) local roads.
- 5) Condition of Consent for removal of 17 additional turbines due to serious concern about proximity of turbines to important habitat features ( tree canopies, hollow bearing trees, and the BHGMR) and the resultant threats to bat and birds. Removal of WTGs 6, 9, 16, 18, 21, 22, 32, 33, 40, 42, 43, 49, 50, 51, 58, 59, 61. - as posed by BCS and NPWS in the DPE report point 206, page 63."
- 6) Condition of Consent should state that a suitable and meaningful decommissioning bond must be instituted which starts at the commencement of construction and continues throughout the operation of the project ; the “within 18 month timeframe” must stand firm as the beginning of decommissioning with a finished rehabilitation timeframe of no more than 3 years from the rehabilitation commencement date; all rehabilitation objectives should remain firm and not be able to be waived by the Planning Secretary; additionally all the underground concreting and other underground infrastructure must be removed to enable the restoration of the development site to its natural vegetation and landscape value