

## Submission to the Hills of Gold wind farm (SSD-9679)

Commissioners,

Thank you for the opportunity to review the extra data.

I comment on it with some reluctance as at this stage of the process, where the IPC has effectively made its decision, community input can only help the IPC hone its response against the community opposition. Once again there is nothing to indicate that the IPC has seriously considered the genuine public interest, quite the contrary.

As I conclude my tenth and final year of research and commentary on NSW wind farms, I smile at the consistency of this latest version of the determination methodology.

- Planning approaches every wind farm application with the fixed intention to approve.
- Proponent deliberately proposes a wind farm with a surfeit of turbines in an aggressive layout.
- Planning suggests a deletion or two.
- During exhibition, community requests the deletion of some to all of the remaining turbines.
- In the RTS, and following, proponent deletes most of the obvious turbines it wasn't serious about from the start
- Planning recommends what it considers to be a balanced review.
- IPC looks for a compromise acceptable to all (except the community)

I'll restrict myself to some broad points and save the detail for the LEC should the local community decide to take that next step.

The key issue raised in the additional data is that the deletion of turbines 53 – 62, and a few others, makes the wind farm financially unviable (somewhat tongue in cheek, the projected electricity production costs should lead to the project's rejection, given the importance of the political objective of reduced power prices).

Our community experts and advisers were not given the opportunity to assist the panel on this key issue because of IPC redactions to the financial analysis. The redactions not only covered some sections that may have been commercially sensitive, but it is impossible to justify every word of the whole 13 pages being redacted. I, a budding expert, would be particularly interested in what has been included in the analysis and what has been excluded. Two areas that immediately come to mind are taxpayer subsidies and decommissioning costs. I would also add plans for disposal of Large Scale RECs and the treatment of the BESS.

I am very surprised that the IPC forewarns us of more details of its impending decision in its 2 page Statement of June 27 seemingly having only received the Department's response on the 25<sup>th</sup>. I quote:

**“ The Department's response concludes, in part, that:  
... based on IEAPET's advice that constructing 62 turbines is the only viable option for a wind farm to proceed at this location and given the lack of other mitigation provided by the Applicant, the Department recommends that it would be in the public interest to approve turbines 53-62 to provide 384 MW of renewable energy to the State of NSW, with strict conditions for the acquisition of Lot 47 DP753722 (the land which contains DAD01).”**

Why the need to include this at the start of the review process?

In addition to the near certainty that the IPC Determination will echo the Department's recommendation on turbine reinstatement, some further comments arise from the above:

**Public interest** - We are rapidly approaching the situation worldwide where onshore wind farms are judged to be not in the public interest. Locally, the public interest remains a key

component of the EP&A Act (1979). Claiming, without proof, that this project is in the public interest, doesn't make it so.

**Acquisition** - Engie has pleaded for an acquisition order for DAD01 and has been rewarded. If you follow the *strict conditions for the acquisition* in the Recommended Instrument of Consent, a valuation will be arrived at. To this will be added 50% or so for selling and buying expenses. At that stage, the only decision remaining for the landowner is "take it or leave it". I struggle to comprehend how this is, in any way, fair to the landowner. Planning, having flipped on the key decision of turbine deletion/reinstatement, why go further? If Engie can't solve the problem, they are in the wrong business.

**IEAPET** - Unanimously, four independent experts, over an extended period, produced a key spreadsheet. Where is it?

Given their published expertise, they could have responded to the scope of effort (also missing) in a much shorter time.

Is Taralga relevant today?

Engie and its legal advisors want it to be.

The first few paragraphs of the 2007 judgment read:

**JUDGMENT:**

**THE LAND AND  
ENVIRONMENT COURT  
OF NEW SOUTH WALES**

**PRESTON CJ**

**12 FEBRUARY 2007**

**10196 OF 2006**

**TARALGA LANDSCAPE GUARDIANS INC V MINISTER FOR PLANNING and RES**

**SOUTHERN CROSS PTY LTD**

**JUDGMENT**

**PROLOGUE**

1 **HIS HONOUR:** The insertion of wind turbines into a non-industrial landscape is perceived by many as a radical change which confronts their present reality. However, those perceptions come in differing hues. To residents, such as members of Taralga Landscape Guardians Inc (the Guardians), the change is stark and negative. It would represent a blight and the confrontation is with their enjoyment of their rural setting.

2 To others, however, the change is positive. It would represent an opportunity to shift from societal dependence on high emission fossil fuels to renewable energy sources. For them, the confrontation is beneficial – being one much needed step in policy settings confronting carbon emissions and global warming.

3 Resolving this conundrum - the conflict between the geographically narrower concerns of the Guardians and the broader public good of increasing the supply of renewable energy - has not been easy. However, I have concluded that, on balance, the broader public good must prevail. The reasons for doing so are set out in the body of this judgment.

Seventeen years ago, the climate science was probably at its peak. No longer. Much has changed:

- Turbines are much larger. Hills of Gold turbines are over twice as tall as those in the Taralga case and the swept area, that which grabs our attention, is well over 3 times larger.

- Successive Australian Governments are well on the way to destroying a cheap and reliable energy infrastructure that was the envy of the world.

- South Australia has shown us vividly where other states, especially NSW, are headed.
- 17 years ago the IPCC had accepted scientific credibility.
- In the last 17 years the 32 models predicting temperature increases as a result of greenhouse gas emissions have been spectacularly wrong.
- All the forecast catastrophe dates came and passed without incident, including, over the last 12 months, the 1.5 degree C increase as part of the Paris Accords.
- The science is no longer settled (if it ever was). The consensus has fragmented.
- The global picture, on which Chief Justice Preston partially relied to support a local decision may be about to be dramatically altered due to the reelection of President Trump. He was right the first time. Add this to the fact that, under the Paris Accords, “effective” from November 4, 2016, China and India, and others, are obliged to do nothing to reduce greenhouse gases. How could that possibly be in the public interest in Australia?
- Al Gore’s now discredited film “An Inconvenient Truth” had just been released (May 2006) to critical acclaim.
- Seventeen years on, Climate Change is now primarily a political issue rather than a scientific one.
- The scientific predictions that many believed would eventuate, didn’t. For example:
  - Our dams weren’t supposed to fill again.
  - The polar bears still seem content; with ample Arctic sea ice year round.
  - Our reef comes and goes as it always has.
  - The proof that temperatures are influenced predominantly by our burning of fossil fuels remains elusive.
  - The Pacific island countries have not sunk beneath the waves.
  - Retail electricity prices have gone up, not down as promised.

**and so on.**

Seventeen years ago, it was possible for Preston CJ to conclude, on balance, that the public good must prevail even though resolving the conundrum was not easy.

The case for climate change and its causes weakens by the day and further inevitable significant electricity price rises and regular reliability issues with the grid will see the broader public good disappear.

Preston CJ, if faced with a similar wind farm appeal in the current environment may well come down on the other side.

Engie submitted on February 1, 2014 (coincidentally the first day of IPC public meeting) to the Department of Climate Change etc, in response to the **Consultation Paper on an Orderly Exit Management Framework** containing:

*“Second, as an active developer of new generation in New South Wales (such as the recently approved Hills of Gold wind farm) and elsewhere in the NEM”*

Can you explain this?

Finally, should this IPC decision be taken to The LEC by either party, I’d like to see a genuine display of independence from the IPC by the employment of outside counsel and non-Planning support staff.

Overall, I remain unconvinced that the Commissioners are making a serious attempt to make a balanced **determination**. Accepting the Department Recommendation is not your job.

Under what circumstances would you produce a Determination contrary to the Department’s approval Recommendation?

Thank You  
Anthony Gardner