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**Subject:** Objection to HOG Wind Farm  
**Date:** Sunday, 14 July 2024 6:45:41 PM

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**To the Independent Planning Commissioners,**

**I am a multi-land holder and resident in Timor, NSW, a locality strongly impacted by the proposed Hills of Gold Wind Farm, proposed by Engie.**

**I have previously sent submissions of Objection to this project to the IPC for their consideration, the most recent in February 2024. I consider that everything I wrote in that submission stills holds for this submission and request that it is read in conjunction.**

**The affected public and communities again have been given meagre time to respond to the new information proffered by Engie and responded to by DPHI - 10 days initially and another week after having to seek an extension. This follows a time frame of 5 months taken by DPHI to respond and within DPHI's Response is the woeful disregard of any timeframes by Engie throughout this entire process.**

**I am also a member of the Hills of Gold Preservation Inc (HOGPI) and endorse their submission in response to DPHI's 24th June 2024 additional information Response to the IPC.**

**Objections to the DPHI Response:**

**1) Viability Issues**

**I cannot object more vigorously to the latest assessment by the DPHI, whereby they change their minds and reinstate 15 of the 17 non-compliant turbines - making the HOG wind farm a 62 turbine project rather than the DPHI's Final Assessment Report to the IPC in February 2024 for a wind farm with 47 turbines.**

**The DPHI's Final Assessment from February 2024 with 47 turbines should be reinstated.**

**Engie claimed they would only be financially viable with a 62 turbine**

**wind farm. If the DPHI did not reinstate the non-complaint turbines they would essentially “take their bat and go home”!**

**The turbines slated for removal by the DPHI’s Assessment were due to 15 being non-compliant with visual and noise guidelines (2016 Visual Assessment Bulletin) and 2 due to negative Biodiversity impacts. (1 turbine #24 sat in both camps)**

**Multiple properties ( NAD 67, NAD 05, NAD 33 and DAD 01) were affected by being in contradiction of the 2016 Guidelines, but Engie itself accepted that 10 turbines (# 53-63) are so close to one property (DAD 01), that they were non-compliant with the Guidelines for visual and noise impacts, and that no mitigation could alleviate the unacceptable visual impact.**

**Engie’s response to the DPHI on this issue was that they should be able to “acquire” that land, irrespective of the landowner’s legal CDC (Complying Development Certificate) for a house on that property and the landowners’ repeated non-consent to this project, nor to sign a neighbour agreement.**

**It is imperative to note that the landowner for DAD01 had an APPROVED CDC granted by 11 November 2020.**

**Engie did not even submit its initial EIS until 18th November 2020, followed by its Amended Report in December 2023. Both these reports continued to include turbines that they knew were in contradiction to the 2016 Guidelines in relation to DAD01 and yet they did not alter their plans at all in relation to this blatant contravention. Engie still to date has no approved status and yet is pressuring the DPHI and IPC as decision makers to allow it to disregard the status of approved DAD01.**

**Engie knew it had no agreements with the non-associated properties that were affected by non-compliant turbines. It kept these turbines in their development plans for the past 4 years rather than determine a different site or a different layout that met compliance. The community has always maintained this Project was not viable on so many counts and here is the evidence in its starkest form.**

**In its Response’s closing comments DPHI notes that this project “ ...as it was proposed in the EIS, had substantial issues that would have likely led to a recommendation for refusal”. Additionally, DPHI states that**

**“In relation to visual impacts, the Applicant (Engie) made only incremental changes to the project ...that addressed some, but not all of the Department’s concerns”. Engie waited until its briefing with the Commission on January 2024 to bring up for the first time its claim of project financial inviability with turbine removal.**

The HOG wind farm should not even have been able to proceed to this stage given it has continually submitted plans for turbines that are non-compliant and has not managed to secure neighbour agreements with affected landholders over the many many years it has had to do so, and was required to do so.

2) Precedent of “Acquisition “ of Private land

**I strongly object to and reject the DPFI’s agreement to grant Engie ( a private commercial multi-national company) the right to a Voluntary Land Acquisition imposed on a private landowner’s land (property DAD 01) to suit Engie’s financial viability.**

**I strongly object to the dangerous precedent that DPFI is setting by imposing land acquisition on a private land holder by a private commercial multi-national company. This means legal dwelling entitlements and approved development applications are not respected or safe in NSW.**

**As stated above, Engie knew it had no right to propose turbines in the areas in contradiction of the 2016 Visual Guidelines and it had not secured the necessary landowners agreements. Engie either needed to amend its Project Development to comply with the available complying land use on this site and adjust its corresponding financials or acknowledge that this site was not suitable for the size of project it wanted and seek an alternative site.**

**DPFI states in this latest Response that “...there is no other energy project currently in the system where an applicant is forcing the burden of resolving such matters onto the decision maker”. A damning indictment of Engie.**

**How DPFI can say that this decision should not be seen as a precedent is ridiculous.**

**I urge the IPC to not be complicit in such a damning precedent and**

**reject the DPFI's assessment in this Response.**

### **3) Visual Guidelines**

**It is incomprehensible that the DPFI would see fit to submit their Response by knowingly choosing to utilise two different sets of Visual Guidelines ( one in usage and one still in Draft form). They have deliberately undertaken a cherry picking exercise and created an inconsistent assessment process over this wind farm proposal rendering it unusable.**

**In DPFI's latest Response it has chosen to adopt DRAFT 2023 Wind Energy Guidelines, that have not been ratified, and applying them to some, but not all aspects of the HOG Wind Farm proposal.**

**DPFI acknowledged in their Final Assessment report to the IPC in February 2024 that "...the Draft WEG 2023 does not apply" . The tune has changed now such that "...however, in this assessment the Department has adopted the approach prescribed in the Draft Guidelines 2023 as an exercise."**

**Such "an exercise" is a mere hypothetical game and has no place in this critical part of an assessment process. It is noteworthy that "the exercise" of utilising the Draft WEG 2023 was only applied by DPFI to the turbines recommended for removal and the associated properties. You cannot cherry pick only some parts/some turbines/ some properties and apply different Guidelines to them and not uniformly apply them everywhere in their fullest form.**

**Notwithstanding, the only valid and ratified Guidelines in usage for this entire process is the Visual Assessment Bulletin 2016, which deemed the 15 turbines non-compliant.**

**I refer the IPC to the excellent points made in relation to their issue of the different sets of Guidelines, in the HOGPI submission (3.0 Application of Draft Wind Energy Guidelines 2023).**

**HOGPI's information provides an analysis of all of the implications of the application of the Draft 2023 Guidelines across the whole development, with the outcomes that multiple new dwellings would need to be assessed, larger setbacks imposed for boundaries to the National**

**Park, mandatory requirements for consultation and new photomontages etc.**

**The bottom line is one set of Guidelines must be applied to this development.**

#### **4) Biodiversity**

**DPHI's latest recommendation to approve 62 turbines prioritises private profit for a multinational company instead of biodiversity of Australian native flora and fauna.**

**DPHI has done a back flip in its Response to now reinstate Turbine 28, even though it will require clearing 1.5 ha of good condition endangered ecological community Ribbon Gum Mountain Gum Snow Gum, threatened species habitat for the Koala, Barking Owl and Large eared Pied Bat.**

**This is purely on the basis that Engie claims it cannot be viable without 62 turbines. If Engie's viability is that precarious, that it cannot endure the removal of WTG 28 for environmental benefits, making it a 61 turbine project, it is not viable at all.**

**Turbine 28 should be removed to put the biodiversity first and foremost in this project.**

**It remains a huge issue that biodiversity costs have been avoided because part of the wind farm infrastructure is proposed on unauthorised cleared land. My previous submission referred to this issue and I refer the IPC to HOGPI's latest submission on the implications to the environment but also to the integrity of development processes such an action sends. HOGPI have provided visual mapping of the amount and destructive nature of the clearing that has been undertaken within the exact footprint and location of the turbines locations.**

**My previous submission goes into detail about the Turbines abounding Ben Halls Gap Nature Reserve and the loss of connectivity between Crawney Park National Park due to this development.**

**There are 8 turbines that must be removed on the boundary of BHGNR**

**to remove the risk to threatened species of flora and fauna - WTG 32, 33, 38, 39, 40, 43, 44, 45.**

**Of critical concern is the potential impacts of this development of the Critically Endangered Ben Halls Gap Sphagnum Moss Cool Temperate Rainforest, which is a mere 135 metre or less from the massive earth moving and clearing activities. Please read below (point 5) Soils and Water) to consider the dire impacts from the earth moving and massive disturbances which would apply to Critically Endangered Ben Halls Gap Sphagnum Moss Cool Temperate Rainforest.**

**I again refer the IPC to the HOGPI Submission regarding the impacts to the Sphagnum Moss Cool Temperate Rainforest and associated mapping of the Sphagnum Moss locations and their proximity to the turbines and its infrastructure. I note that the Minister for Environment and Water, Tanya Plibersek, cites the Ben Halls Gap location to contain the only known occurrence of this near extinct flora.**

**Again, I note that Engie has known all along about the occurrence of this and all the other critically endangered Flora and Fauna species in the location of this development and has proceeded unashamedly. At its initial scoping of this site Engie should have withdrawn and looked for another more suitable site for a wind farm.**

### **Bats:**

It is hoped that the IPS presentation by Melissa Hadley, a member of the Newcastle and Hunter Valley Speleological Society (NHVSS) and a regular caver in the exact area of this development, gave cause for grave concern about the DPHI assessment of the impacts to high species diversity and density of microbat and other bat species in the development area.

The information, that Engie used to inform its assessment and responses to DPHI, is inaccurate and grossly outdated. The DPHI appears to have accepted this information without proper assessment and/or consideration, notwithstanding multiple Submissions they received throughout this process by the NHVSS and other Speleological groups.

Engie were made aware of the rich resource of the NHVSS and their decades of experience in this exact location of the HOG WF. They chose not to use this resource to inform or assist their assessment. One would have to ask why? Could it be that they did not want information that raised many issues about the impact this project would have on present avifauna.

Engie instead consulted Dr Susan White from Victoria (Appendix E.6 Updated BDAR Amendment Report Nov 2022) to provide testament for caves with bats in the Tamworth

area, excluding any clarification that the exact area of interest for the wind farm was part of the Upper Hunter Valley caving areas of Barrington, Crawney Pass, Barry, Lawler and GlenRock.

There is a staggering amount of inaccurate and outdated information in the reports relied upon by DPHI 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 DPHI'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 DPHI 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.

The DPHI has Recommended that a Bird and Bat Adaptive Management Plan (BBAMP) be prepared by Engie PRIOR TO commissioning of any wind turbine. Does this mean that the turbines will be built, but not turned on unless the BBAMP is approved by the Planning Secretary? By then the destruction has occurred to forage habitat, caves and caverns, adits have potentially collapsed under mass movement and construction.

What if the 12 months of baseline data on threatened and "at risk" bird and bat species and populations affected by the development depicts a picture that says no wind farm should be on this site? Will the DPE then decommission the HOGWF immediately, before one turbine is turned on?

It is unconscionable to trust the accuracy of yet another data collection from Engie when they have had 6 years to provide such and have not done so. They have not used site specific accurate information and their answers about curtailment were totally unsatisfying to the IPC public. Engie in its oral response to the IPC on 1st and 2nd Feb 2024 highlighted that they knew next to nothing about this strategy, except to say that curtailment technology exists!

Engie have suggested they will be using curtailment now for both noise and bat and bird strike - will the turbines be off more than on?

Added to that the significant gaps in the accurate data about bats in this location ( as opposed to that of the NHVSS ) there should be no reliance nor confidence nor willingness to risk the threat to cave dwelling bats under SAIL.

If the IPC decides to approve the HOG WF at the very least I urge that they express their disregard of the totally inadequate Reports on Bat and Birds done by Engie, and DPHI's assessment of such, and give some protection to the threatened avifauna.

This would therefore require more turbines to be removed showcasing the whole project is unviable not just as a result of Engie's financial claims.

It should be a Condition of Consent to remove 17 turbines to minimise the risks to avifauna in line with concerns raised by NPWS and BCS ( page 63 Point 206 of DPE Assessment Report) and in addition, to protect the BHGNR waterways from sedimentation impacting EPBC listed Sphagnum Moss Cool Temperate Rainforest.

The nominated WTGs have proximity to key habitat features such as tree canopies, hollow bearing tress and the BHGNR.

Condition of Consent to Remove WTGs 6, 9, 16, 18, 21, 22, 32, 33, 40, 42, 43, 49, 50, 51, 58, 59, 61

## **5) Soil and Water**

**DPHI has not answered the major impacts shown by Soil scientist, Greg Chapman's Report, which has warned that there has not been adequate detailed design to understand the extent of mitigation to avoid erosion, sedimentation and mass movement that could result in higher environmental and financial costs.**

**It is unclear what is the IPC's analysis of Greg Chapman's submission in February 2024 and his public presentation to the IPC.**

**For myself as a resident landowner of the Timor/Crawney and Isis Valley communities we know and live with the natural cycle of infiltration of rainwater into the soil for release via springs into creeks and rivers.**

**Concerns remain that the DPHI and Engie do not understand or give regard to the importance of the range as a water holding sponge for the communities reliant on these waterways.**

**I reiterate some of my major concerns to emphasise the importance of soils and water on the local community:**

- downstream flow impacts have not been considered in Engie's assessments and this development site will directly impact the origin of multiple water courses to 3 river systems - the Peel, Isis and Barnard rivers.**
- no underground water flows have been considered and these are what keep the streams flowing when there is no rain, during our increasing and more severe droughts and impacts of climate change.**



- **the impact of massive land clearing in addition to concreting and hard stands will negatively affect the natural soil absorption.**
- **all assessments have ignored mass movement instability and the huge erosion potentials.**
- **there has been no assessment of the blue green algae blooms - phosphorus release from sediment - resulting in smothered aquatic habitats as a result of erosion and inability to use proper sediment controls on steep slopes such as occur on this site.**
- **sediment basins cannot even be built (as a mitigation) on much of this site as they need to be on flat land, not on shelves or slopes or cliffs! The weight of the water if built on the slope, would then itself propose a further significant risk of collapse and land slip.**

DPHI commissioned an independent report on Constructibility, Soil and Water by PSM, published in December 2023.

There can be no confidence in the information provided by Engie on Constructibility, Soils and Water. The DPHI's additional review by PSM exposed the continued concern about the location of a wind farm on a mountain ridgeline and its steep slopes, on Class 8 soils, with high erosion and land slips.

The risks that DPHI are exposing the environment and the community to, are unacceptable.

The IPC must reject this HOG WF development - the location cannot support the construction and all the serious and irreversible impacts it will impose on the human community, the environment, the native flora and fauna, the waterways and their aquatic life, the soils and endangered species.

## **Conclusion**

**It is noted that Engie still has no legal access to the development site 3.5 years since the release of the EIS and after many more years of failing to gain agreements and conduct consultations, there is no way to even get to the project area.**

**The DPHI has heightened the community concern for all NSW landowners with its decision to impose Voluntary Land Acquisition on a non-associated landowner, without their agreement. To ask that this not be seen as a precedent is ludicrous and the actual precedent it is creating sends a message to all NSW landowners that dwelling entitlements and approved development applications are not respected.**

**Engie's Hills of Gold Wind Farm has been unviable since it released its EIS on many more grounds than simply its financial viability. We urge the IPC to take seriously the community objections expressed in all our submissions, and in particular the case put forward by the Hills of Gold Preservation Inc submission to reject this development.**

**Maureen Eagles**

**[REDACTED],**

**Timor, NSW, 2338**

Sent from my iPad