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To: [Do-Not-Reply IPCN Submissions Mailbox](#)
Subject: Objection to Hills of Gold wind Farm
Date: Monday, 15 July 2024 11:01:28 AM

- I strongly reject the latest assessment by the Department of Planning Housing and Infrastructure (DPHI) where 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 should be reinstated.
- Strongly object to and reject the DPHI'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.
- Strongly object to the dangerous precedent that DPHI 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.
- Urge the Independent Planning Commission (IPC) to reread your previous submission from February 2024 and state that all your objections still remain.
- If you want you can summarise some of your most important points from your previous submission and include them again.
- 2. New issues arising from DPHI's latest Response - here are some short notes. Please feel free to use and write in your own words from any of these:
 - A) Unviability
 - 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)
 - 7 properties were affected by being in contradiction of the 2016 Guidelines, but Engie itself accepts that 10 turbines (# 53-62) 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.
 - 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 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.
 - DPHI states in this latest Response that "...there is no other energy project currently in the system where an applicant (i.e Engie) is forcing the burden of resolving such matters onto the decision maker". A damning indictment of Engie!
 - DPHI has responded in this latest Response by deciding to adopt DRAFT 2023

Wind Energy Guidelines that have not been ratified and applying them . DPHI 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 DPHI 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.
- 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 3.5 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.
- DPHI notes in this latest Response in its Closing Comments 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.
- It is noted that Engie still has no legal access to the development site. 3.5 years since the EIS, many more years prior to that to gain agreements and conduct consultations and still there is no way to even get to the project area.
- B) Biodiversity
- Protecting biodiversity is important for Australia and the world. DPHI's latest recommendation to approve 62 turbines prioritises private profit for a multinational company instead of biodiversity of Australian native flora and fauna.
- Many previous submissions asked for removal of turbines next to Ben Halls Gap Nature Reserve, yet eight wind turbines and other infrastructure like a concrete batching plant, internal road, turbine foundations, hardstands, and cabling remain.
- Turbine 28, which requires 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 has been reinstated to achieve the 62-turbine viable layout. Turbine 28 should be removed to put the biodiversity first and foremost in this project.
- Earthmoving and clearing is proposed within 135 metres of Critically Endangered Ben Halls Gap Sphagnum Moss Cool Temperate Rainforest that only occurs in this location.
- In a 62-turbine marginal to unviable scenario nineteen (19) Moderate risk turbines remain, including reinstatement of five Moderate risk turbines (WTG 9, 28, 58, 59, and 61) that were previously removed in the 47 turbine recommendation.
- the community requests removal of all turbines next to the Ben Halls Gap Nature Reserve, having no confidence in the Applicant's capacity for self-monitoring of bird and bat assessments and turbine curtailment strategies.

- C) Water
- Recommending approval of 62 turbines results in increased clearing of vegetation on the range and reduces the infiltration of rainwater into the soil for release via springs into creeks and rivers. Concerns remain that the Engie and DPHI do not understand the importance of the range as a water holding sponge.
- 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.
- D) Public Benefit Claim
- DPHI are using a claim of Public Benefit to reinstate the 17 turbines which it previously recommended for removal.
- This claim of the public benefit of approving Hills of Gold Wind Farm is rejected for the following reasons.
- It is not a public benefit to approve:
 - a marginal to unviable wind farm;
 - a State Significant Development on unlawfully cleared land;
 - Imposing Voluntary Land Acquisition on a non-associated neighbour and setting a precedent for other State Significant Developments statewide;
 - A wind farm between two national parks, Crawney Pass National Park and Ben Halls Gap Nature Reserve (including Critically Endangered Ben Halls Gap Sphagnum Moss Cool Temperate Rainforest);
 - A wind farm without detailed design of internal roads on steep gradient land, with high erosion, sedimentation, and mass movement risk requiring mitigation with potentially understated environmental impacts and financial liability.
- E) Dangerous Precedent
- DPHI states that it does not want this case to be a precedent - in particular its recommendation to allow Engie to a Voluntary Land Acquisition of a private citizens land - but if Hills of Gold Wind Farm is approved by the IPC, it will be.
- The concern for all NSW landowners should be that for any/all developments proposed by private entities :
 - that 2016 wind visual and noise guidelines are not being upheld;
 - that the DPHI alternates between the 2016 and 2023 draft guidelines to reinstate turbines, but doesn't remove turbines;
 - dwelling entitlements and approved development applications are not respected;
 - Voluntary Land Acquisition is being imposed on a non-associated neighbour landowner and screening is the only mitigation for other non-associated neighbours, without their agreement or consideration of bushfire risk;
 - biodiversity costs have been avoided because part of the wind farm infrastructure is proposed on unauthorised cleared
- Regards Sallina Crowe [Land owner] [REDACTED], TIMOR MSW
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