



Hills of Gold (SSD-9679) SUBMISSION to additional information July 2024

Dear Mr Stephen Barry and Panel Commissioners

Please accept my further submission regarding the additional information provided to you, the Panel, by the DPHI, IEAPET, Engie. I have inserted the items I wish to address in the table below and any associated, comment, concern or recommendation.

Item/Details	Comment/Concern/Recommendation																		
<p>Decision-making burden</p> <p>Dangerous and potentially libellous precedent</p>	<p>1. I would like to acknowledge the decision-making burden being placed on both the DPHI as the assessor and the IPC Panel as the determining body. The Applicant has not conducted it's planning and community and stakeholder engagement in a manner aligned with the International Association for Public Participation (IAP2) 2015. This international quality assurance standard is often stated (and was by Engie) as the "guide" by which an applicant conducts their Community & Stakeholder Engagement, but is seldom actually successfully modelled.</p> <p>IAP2 Spectrum of Public Participation </p> <p><small>IAP2's Spectrum of Public Participation was designed to assist with the selection of the level of participation that defines the public's role in any public participation process. The Spectrum is used internationally, and it is found in public participation plans around the world.</small></p> <div style="text-align: center; margin-bottom: 10px;">  </div> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: center;">INFORM</th> <th style="text-align: center;">CONSULT</th> <th style="text-align: center;">INVOLVE</th> <th style="text-align: center;">COLLABORATE</th> <th style="text-align: center;">EMPOWER</th> </tr> </thead> <tbody> <tr> <th style="writing-mode: vertical-rl; transform: rotate(180deg);">PUBLIC PARTICIPATION GOAL</th> <td>To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.</td> <td>To obtain public feedback on analysis, alternatives and/or decisions.</td> <td>To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.</td> <td>To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.</td> <td>To place final decision making in the hands of the public.</td> </tr> <tr> <th style="writing-mode: vertical-rl; transform: rotate(180deg);">PROMISE TO THE PUBLIC</th> <td>We will keep you informed.</td> <td>We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.</td> <td>We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.</td> <td>We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.</td> <td>We will implement what you decide.</td> </tr> </tbody> </table> <p style="font-size: 8px; text-align: right;">© IAP2 International Federation 2018. All rights reserved. 20181112_v1</p> <p>This framework, when modelled successfully, fosters a collaborative project and most-often a "win-win" delivery for all stakeholders. This is not the case with the Hills of Gold Project. The Applicant is now responsible for even greater tensions and division within the community. A project built on this foundation, is in no way positioned</p>		INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER	PUBLIC PARTICIPATION GOAL	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.	PROMISE TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.
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	<p>well to succeed long-term. While it may get physically built and energy may flow to the grid, the damage to the community and the region will continue to be a cause of angst, tension and significant risk for the long-term viability and sustainability of the project. It will hinder any ongoing mitigation for challenges, it will limit any community support in times when community would normally come together. This foundation is rife with risk. It would not be sensible or practical for the Department or the IPC Panel to grant approval to this project on such poor foundations. It is Important that the panel acknowledge the precedent this approval could set for developers and projects. A dangerous and potentially libellous precedent. I don't think this project has demonstrated any successfully community and stakeholder engagement and the epitome of this is clearly displayed by the Applicant's new request for Voluntary Land Acquisition rights.</p>
<p>Unviable project</p> <p>Responsibility of viability</p>	<p>2. The initial recommendation for approval of the project for 47 turbines, has been deemed unviable by both the Applicant and the Independent Expert Advisory Panel for Energy Transition (IEAPET). Turbines that were initially removed to provide a recommended approval, due to non-compliance (noise, visual and biodiversity impacts) cannot suddenly be re-instated just to ensure viability for the Applicant. The Applicant's project planning has failed, the initial project layout design should have made these considerations then, not now after careful assessment by the Department rendered them not approvable.</p> <p>It is the Applicant's responsibility to ensure viability of the project. It is not the responsibility of the State Government, the Department or the IPC to ensure a project's viability. With or without consideration of public interest, there is absolutely NO LEGAL REponsibility for the DPHI to ensure that the recommended project for approval is viable.</p>
<p>Draft Guideline 2023</p>	<p>3. This project cannot be assessed against 2 differing sets of guidelines. There is only one set of guidelines applicable to this project and given the timing of the project, it can only be the 2016 Wind Guidelines that are applicable and enforceable. The draft 2023 guidelines have not been formalised and are not in action as yet, hence the name "draft". This project was designed and submitted well before the draft guidelines were even documented.</p>

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<p>Public Interest</p> <p>The Department’s response concludes, in part, that: <i>.... 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).</i></p>	<p>4. What tests or assessment process were used by the Department, or the IEAPET to clearly determine that the Hills of Gold Project is in the “public interest”? Where can this assessment be found, if it is in the matter of public interest, the assessment would be available to the public.</p> <p>Determining whether a project is in the public interest should typically involve a multi-faceted assessment process.</p> <p>Some aspects of this process might include:</p> <ul style="list-style-type: none"> - Review of Legislation and Guidelines. Specific laws and guidelines help frame the concept of public interest. What legal frameworks were utilised to determine public interest? - Balancing Interests. Various interests are assessed and balanced to determine the public interest. This includes weighing the benefits to the public against potential harm. - Formal test. Is there a law that requires a formal public interest test, for this project? - Consultation. The process often involves consulting with experts, stakeholders, and the public. This helps gather diverse perspectives and ensures that decisions consider all relevant factors. - Case Law and Precedent. - Transparency and Accountability. It is often required to provide reasons for decisions, ensuring transparency. Mechanisms such as parliamentary scrutiny and independent oversight bodies help hold decision-makers accountable. - Public Consultations and Submissions. For significant matters, public consultations may be conducted, allowing individuals and organisations to submit their views on what constitutes the public interest in a specific context. <p>These processes collectively ensure that public interest determinations are made thoughtfully, considering various factors and potential impacts.</p> <p>While it serves the purpose of approval to claim “public interest”, I question the validity of the claim and urge the IPC to ascertain</p>
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	<p>whether this has been tested and assessed appropriately and lawfully.</p> <p>This too sets a further dangerous and potentially libellous precedent.</p>
<p>Acquisition Rights</p>	<p>5. The use of Voluntary Land Acquisition for a Non-Associated neighbour at this stage of the process is yet again another dangerous and potentially libellous precedent.</p> <p>Had this project been designed and planned effectively, this request would not even be a consideration. The very fact that this option is being requested now, is evidence that the project design and planning has failed and should render the project un-approvable. Is there to be no motivation for future developers to conduct community and stakeholder engagement in a professional and effective way?</p> <p>If this Voluntary Land Acquisition is approved, this will set a precedent that any developer can fail their way through community and stakeholder engagement and ultimately “fall back on” what will become known as the Hills of Gold Voluntary Land Acquisition case.</p>
<p>Biodiversity, Water, Bushfire Risk</p>	<p>6. By now, it has certainly been established and evidenced that A. Corporate Interest (Viability/Profit), is more important than Public Interest and B. that both Corporate Interest (Profit motivated) and “potentially” Public Interest are both more important than any of the significant impacts and risks to Biodiversity, Water and Bushfire etc</p> <p>In the original assessment by the DPHI, the environmental impacts to a number of turbines were deemed too great to originally approve, but now that profitability is at risk, they are now not too great. I disagree. You cannot buy offsets to protect the environment. The offset scheme is a ludicrous scheme whereby paying to “protect one like part” of environment, makes it permissible to destroy another. The only way to protect this unique and precious environment, and indeed any, is to not destroy it in the first place. The native flora and fauna do not trade in \$, the natural world does not trade in \$. The offset scheme is a monetary scheme and has no real or significant ability to physically protect the environment, it is only a financial scheme.</p>

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	<p>There has been considerable and valuable research and evidence presented to the IPC throughout the determination process highlighting the concerns around the impacts to biodiversity, water, structural integrity of the delicate landscape and the potential bushfire risks and further impacts to the environment. I cannot add anything further.</p> <p>I only wish to highlight the inequity and incredible injustice to put the profitability of a foreign company over the Australian environment and our people.</p> <p>We can generate energy and protect our lands and people too. The rush to meet a global documented target, does not relinquish our responsibilities as Australians to protect our environment and the future of land, water and people. Together, I believe, we can do better.</p> <p>Unfortunately, the IPC has an important role to play in its careful consideration of determining projects such as Hills of Gold, that clearly display inequity and injustices that could set a dangerous precedent for projects across Australia into the future. The cost of this decision alone, is unfathomable to me but must be reflected upon and dutifully considered.</p>
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Thank you for the opportunity to provide further feedback regarding this project.