



10 July 2024

To: Commissioner Sykes and Commissioners,

Voice for Walcha object to the Hills of Gold Wind Farm SSD 9679

Voice for Walcha have made a previous submission to the Planning Department regarding the Hills of Gold Project. The submission we present today is in reference to the specific new material currently available for public submissions.

Voice for Walcha is a community group that was formed in response to ambitious development plans on the Walcha Plateau. The group was formed to disseminate information to our community as the developers were not forthcoming with this information. We also aim to help our community respond to projects that will have an impact on our town. Voice for Walcha has a membership base of over 300 local adult members. These members support our actions and communications. Like Nundle, Walcha faces a local project with a high level of community resistance. The Winterbourne Wind Project received 438 objections to its EIS of which 332 were from the local area.

As a community group, concerned about the over-development of our LGA by large scale renewable energy developments, we depend on the independence and integrity of the planning system. We are very concerned that the most recent recommendations from the Planning Department clearly put public benefit above the rights of individuals and regional communities. We also question the significance and magnitude of the public benefit of this project. It appears the Hills of Gold Wind Farm is going to be assessed based on the need for a faster renewable energy transition rather than based on the merits of the project. If the IPC approves this project with 62 turbines as recommended by the Planning Department, we are very concerned about some dangerous precedents that are being set.

We expand below on our concerns.

- 1. Lack of due process and adherence to relevant guidelines**
- 2. Does this Project offer Public Benefit?**
- 3. Voluntary Acquisition**
- 4. Economic Viability outweighs good planning**

1. Lack of due process and adherence to relevant guidelines

As a community faced with the threats and uncertainties the renewable energy transition brings to our region, we rely on robust planning governance and an independent consent authority. We understood the Planning Department would adhere to the relevant guidelines and ensure the SEARs was adequately addressed. We understood that there was a clear process, and projects would be assessed on merit, and the consent authority would not succumb to prevailing government policy pressures.

Following the reversal in recommendations of the Planning Department, we are left questioning the independence and process followed by the Planning Department.

We are very concerned about the change in recommendations made by the Planning Department following Engie's response to RFI, 27 March 2024 and the Planning Departments justification for the change. Specifically, we refer to the decision by the Planning Department to reinstate 15 of the 17 turbines recommended for exclusion. 3 of these turbines (9-11) have been reinstated following them being assessed against the 2023 Draft Wind Guidelines.

The SEARs for the Hills of Gold states a visual assessment must be included in the EIS in accordance with the *Wind Energy: Visual Assessment Bulletin (DPE, 2016)*.

We assume these guidelines were followed in preparation of the Hills of Gold visual assessment.

We do not understand why the Planning Department have allowed Hills of Gold to submit new information based on the 2023 draft wind guidelines. It is not possible to assess a limited number of turbines under one guideline and the rest of the project under a different guideline. There has not been a change in policy since the original recommendations in November 2023 so this “new information” should not be permitted. If a decision is made to rely on the 2023 draft guidelines, **the whole project** needs to be resubmitted and reassessed under these guidelines.

We would in fact claim that all guidelines seem to have been abandoned by the Planning Department when the decision was made that public benefit outweighs individual impacts of the Hills of Gold Project. If the Planning Department can abandon these guidelines, where do the decision makers draw the line? If this precedent is continued, it seems that every project that generates renewable energy will become automatically approvable, despite any environmental, social or economic impacts.

The Planning (consent) Department must remain independent (and appear to remain independent) from political pressure to preserve the transparency and credibility of the process. The community needs to have confidence that projects are going to be assessed on merit, not on the political need to accelerate the energy transition. That confidence has certainly been jeopardised by the planning department in their decision to backflip on their original recommendations and reinstate the previously excluded turbines.

Not only does it threaten the credibility of the Planning department, but it also jeopardises support for the energy transition by demonstrating that regional communities have no rights.

2. Does this Project offer public benefit?

The recommendation of the Planning Department to reinstate turbines T53-T63 and T28 is based on public interest benefit outweighing the individuals disbenefits. To justify this decision – the project must have clear and significant public interest benefits.

The fact that the project would be non-viable if 2 turbines are removed highlights that this project is marginal, economically. Even with the compromises made by the Planning Department, will a 62-turbine project ever be built, or will it remain in the system as a ghost project (hanging over the heads of the community for many more years to come)?

Does approving projects that are relatively expensive to build and economically questionable put downward pressure on electricity prices? If this trend of approving marginal projects continues and we see large numbers of these projects generating electricity, surely this will lead to increased electricity costs. This is highlighted in Attachment D IEAPET Advice -

“However, over time decisions that increase cost for generating electricity can be expected to flow through to higher wholesale (and ultimately retail) electricity prices because sufficient new generation capacity must be built to meet electricity demand, while investors will only finance new facilities that are expected to generate positive returns ie. Prices would need to rise to cover the costs of available generation projects.”

Does approving projects that have significant negative environmental impacts for local communities, (social, economic and environmental) accelerate the transition to renewable electricity? For the energy transition to progress rapidly, it needs social license. Projects need to be able to progress rapidly through the planning process. Projects in appropriate locations, that have been planned well from pre-scoping stage are going to gain community support. These are the projects the Planning

Department should be working with to benefit the wider public as well as communities. As Mr Preshaw has pointed out in the Response for further information from the Department (25 June 2024) -

“There are a significant number of windfarm projects proposed, with close to 22,000 MW nameplate capacity in the planning assessment pipeline in NSW”

It is not in the public interest to approve a project where the developer has shown so little respect and regard for the local community, and the Planning Department and its requirements. Will this applicant continue to disregard basic planning principles as they have demonstrated so far. Will they continue to divide and bully the community of Nundle? Is this the example the Planning Department want to set for future projects?

This project does not provide public benefit to the extent that justifies the Planning Department moving away from the practice of assessing a project based on merit and using a robust planning process.

3. Voluntary Acquisition

As a community, we are very concerned about the precedent that is being set using voluntary acquisition as a mitigation measure for visual/noise impacts.

In this case, the applicant has failed to negotiate neighbour agreements with the impacted neighbour and have made no attempt to identify alternative layouts to reduce the impacts to the neighbour. The applicant has taken a gamble very early on by locating turbines so close to a non-associated neighbour and not securing either the land or a neighbour agreement. This is very poor planning.

In these circumstances, it is an extraordinary outcome that the Planning Department would recommend voluntary acquisition as a solution for this neighbour. It is a good outcome for developers not prepared to undertake good planning from the early stages of a project.

Mr Preshaw has stated that -

“The Department has not come to the recommendation for the acquisition of private land lightly and this approach should certainly not be seen as a precedent for other projects.”

However, it is, of course, a precedent.

If voluntary acquisition is available as a mitigation measure, it will result in poor developer consultation and planning. This is a precedent that will create fear and uncertainty in all REZ and non-REZ communities. It is an unfair threat to every landowner in proximity to a renewable project. It will jeopardize future projects because all local landholders will be at risk of voluntary acquisition. Landowners are less likely to host projects if they know their neighbours will be at risk of voluntary acquisition.

We ask the consent authority to consider how they would feel if their homes were under constant threat of voluntary acquisition.

4. Economic viability – does economic viability of a project outweigh good planning?

The Planning Department has seen fit to reinstate 15 of the 17 turbines that were originally recommended for removal in November 2023. This is to enable the project to maintain economic viability. This would imply that the reason the project is non-viable is a result of the removal of these turbines. This assumption is flawed.

In fact, the Hills of Gold project is economically unviable because it is a poorly designed and located project. It has been subject to poor planning from the initiation of the project.

As with all SSDs, up until now, a scoping report is lodged, SEARs issued, EIS submitted, the project is amended and finally recommended for approval or refusal. It is up to the applicant to design a project that is economically viable and sits within the Planning Departments guidelines (ie. is compliant). They know the guidelines they must follow – they are clearly defined in the SEARs. **It is not the responsibility of the planning department to change guidelines and procedure to facilitate the approval of a non-compliant project to make it economically viable.**

The applicant has known about and failed to address the merit issue of visual impacts since the origination of the project. In the assessment report from the Department of Planning, December 2023, the planning department states -

“91. It is important to note that the Department raised concerns about the potential visual impacts of the project from an early stage and throughout the assessment process, including following the exhibition of the Environmental Impact Statement in December 2020.”

It is not the responsibility of the department to resolve these visual impact issues that the applicant have themselves failed to act on.

This is a dangerous precedent for the Planning Department to set. As a community within the New England REZ, we look on with great concern. Is this what we can look forward to? Poorly planned projects with inappropriately located turbines. A planning department that will cut corners to facilitate the approval of projects. Developers who know their projects are beyond scrutiny because the public benefit outweighs an individual’s rights. That’s a nice angle developers will have – “you can’t remove those turbines; our project will become economically unviable.”

What does this mean for construction, operation and decommissioning of this project? If costs increase and the project again becomes economically unviable, will there be further concessions? Will the applicant be able to change the transport route to a cheaper one so the project can proceed? Will they be able to forego the Biodiversity Offset payment because it is too expensive, and the project will become non-viable?

5. Conclusion

In the Closing Comments of the Response to Request for Further Information from the Department, 25 June 2024, Mr Preshaw has highlighted the deficiencies in the Hills of Gold project – not only in the project itself, but also in the way the applicant has approached the planning process and the stakeholders. He has highlighted the dismal process that has resulted in continual delays through the planning process - a high number of complaints, poor consultation, unlawful clearing of land, delays in responses from the applicant, failure to resolve merit issues, uncertainty to the community, an EIS with enough issues that would have led to refusal, poor planning with transport route, lack of regard for historic and heritage values, unresolved community benefit sharing, slow changes to only partially resolve visual impacts, poor, slow communication around economic viability of the reduced project, the list goes on.

Despite this extensive and problematic list of criticisms, the Department appear to have abandoned their own guidelines to facilitate the approval of this project. Is this the new benchmarks communities can expect for future projects?

The Department has set some dangerous precedents in their recommendations. They have recommended assessing a project based on public benefit at the expense of merit and individual rights. They have recommended voluntary acquisition as a mitigation measure for visual impacts resulting from poor planning and project location. They have deviated from a robust planning process to reverse early and warranted recommendations to remove turbines based on economic viability. These are precedents that are going to cause further fear and confusion in already frustrated rural communities.

We hope you consider these implications in your determination of this project.

Voice for Walcha

13th July 2024