



## <THE MEETING COMMENCED

MS SYKES: Good afternoon everybody there from Upper Hunter Shire Council. And welcome. Before we begin, I would like to acknowledge that I'm speaking to  
5 you from Gadigal Land. And I acknowledge the traditional owners of all the country from which we virtually meet today and pay my respects to their elders, past and present. Welcome to the meeting today to discuss the Hills of Gold Wind Farm case SSD 9679, currently before the Commission for determination. The Applicant, Hills of Gold Wind Farm Proprietary Limited, a project entity owned by Energy Australia  
10 and New Zealand, proposes to develop a 390 megawatt wind farm approximately 60km south east of Tamworth, near Nundle, Hanging Rock and Crawney, in the local government areas of Tamworth, Upper Hunter and Liverpool Plains. The proposed project involves the development of up to 64 turbines, up to 230m high, a 100 megawatt battery energy storage system, a 330 kilovolt transmission line connecting  
15 to Transgrid's existing transmission network at Wallabadah, and other associated ancillary infrastructure. So my name is Clare Sykes. I'm the chair of this commission panel, and I'm joined by my fellow commissioners, Juliet Grant and Duncan Marshall AM. We are also joined by Geoff Kwok from the office of the Independent Planning Commission.

20 In the interest of openness and transparency, and to ensure the full capture of information, today's meeting is being recorded and a complete transcript will be produced and made available on the Commission's website. This meeting is one part of the Commission's consideration of this matter and will form one of several sources  
25 of information upon which the Commission will base its determination. It is important for the commissioners to ask questions of attendees and to clarify issues whenever it is considered appropriate. If you are asked a question and are not in a position to answer, please feel free to take the question on notice and provide any additional information in writing, which we will then put up on our website. I  
30 requested all members here today introduce themselves before speaking for the first time and for all members to ensure they do not speak over the top of each other, really, just to ensure the accuracy of the transcript. And we will now begin. So may I first ask each member joining from Upper Hunter Shire Council to please introduce yourself and if applicable, could you provide a verbal declaration of any actual or  
35 potential personal interests that you may have in the project? Thank you.

MR MCDONALD: Hi, guys. I'll start. I'm Greg McDonald. I'm the general manager of the Shire Council, and I have no conflicts.

40 MR PRINGLE: Afternoon, commissioners. I'm Matt Pringle. I'm the director of environmental and community services, Upper Hunter Shire Council, and I have no conflicts either.

MS CLOUT: Tayah Clout, counsellor and I have no conflicts also, counsellor. No  
45 conflicts.

MR SMITH: Paul Smith, senior environmental planner, no conflicts of interests.

**TRANSCRIBED BY LAW IN ORDER**

MR UPADHYAYA: Hi, guys, this is Rag Upadhyaya, director of infrastructure services, Upper Hunter Shire Council, and I have no conflicts.

5 MR CLARKSON: I'm Matt Clarkson, Manager of Planning, Building and Regulatory Services, and I have no conflicts.

MR COLLISON: Maurice Collison, Mayor of Upper Hunter Shire Council and no conflict.

10

MR WILLIAMSON: Afternoon, Adam Williamson, counsellor. I have no conflict in this matter.

15 MS SYKES: Okay. Well, thanks very much for the introductions. And I think now we might move, you would have received the agenda, we might move to the overview of the submissions and any key matters and invite Council to provide a presentation, including any key issues that you wish to raise.

20 MR MCDONALD: Alright, thanks, Commissioner. I might start the ball rolling here. So Upper Hunter Shire Council made two submissions to the Department of Planning back in 2021. Our submissions raised a number of issues, which the proposal...Those issues were in relation to the Community Enhancement Fund, which is associated with the voluntary planning agreement, the contribution that was offered at the time, we felt was too low, and we requested the Applicant to come  
25 back with a revised offer, which they did. We actually reached, or we accepted that offer and reached an agreement. Since that time, they've come back with another revised offer increasing the contribution which we've accepted, so I guess we're in a position now where we have an offer that's been accepted, and we're in a position to start preparing a draft voluntary planning agreement. Another issue that was raised in  
30 our submissions was in relation to traffic and transport. We just in our submission, we asked that there be a condition of consent imposed that required for the state, there was to be no use of Upper Hunter Shire Council roads as part of this project. I understand that there is no condition, in that regard. However, there are no roads proposed to be used shown in the EIS or other documentation.

35

So that's quite clear. The visual impacts was another issue that we raised in our submissions. We had concerns about the visual impacts on surrounding properties due to the densely spaced turbines on some of the ridge lines. And obviously, the Applicant went away and amended their proposal and reduced the number of  
40 turbines and relocated some of the turbines, which, pretty much addressed that issue for us. Biodiversity impacts was raised as an issue. We had concerns about the loss of vegetation and impacts on threatened ecological communities and threatened fauna habitat and we recommended a reduction in the footprint. And that was, the Applicant responded and actually reduced the number of turbines, as I said, and  
45 address that issue for us. There was also community concerns that were raised that we put forward in our submission as well. Some of those concerns were around the impacts on threatened species, impacts on local waterways, impacts from lighting,

**TRANSCRIBED BY LAW IN ORDER**

noise and vibration, visual impacts, erosion and landslides, bushfire fighting and impacts on land values and all those concerns were raised in our submission. I think the Applicant has done a lot of work to try and address those issues with the Department.

5

We also raised concerns about non-compliance with the Upper Hunter DCP in relation to cumulative impact and the visual impacts of the turbines along the ridgelines and also the distances of the turbines from the public roads. In response, the Applicant reduced the number of turbines and relocated some of the turbines, but in saying that, I guess the DCP obviously doesn't apply in this case, but it states significant development.

15 Land capability was another issue. We had concerns about the very low to extremely low capability land, within the development site, and recommended a review of the erosion hazards within that site. And the Applicant did respond with some amendments to the proposal. And, to address the, I guess, the erosion, potential for erosion and the soil classes as well. Unauthorised land clearing came up as an issue as well in our submission. There was a history of unauthorised or alleged unauthorised land clearing on that site that was raised by the community. The 20 proponent responded, making it clear that they had no involvement in that unauthorised clearing in the past and that had been or was under investigation by the relevant authorities.

25 Some of the other issues that we've got, just in relation to the Voluntary Planning Agreement, or the planning agreement, and the offer, which is in the draft conditions of consent recommended by the Department. The terms of the offer in appendix three on page 28, we're suggesting that the capital investment value should be calculated at the time of construction, not at the DA stage to allow for any delays in construction commencement. So there is a risk, I guess if this project doesn't start soon, if it's 30 approved, doesn't start soon, it's delayed by, you know, ten years or something, then the value of that contribution will obviously decrease. So we'd like to ensure that the capital investment value is calculated at the time of construction. And then obviously indexed to CPI from that point on.

35 In relation to traffic and transport, we've noted that Stair Street, into an unnamed road that's condition B30 on page 15 and appendix seven. Page 34 refers to the haulage routes for the oversized over mass vehicles from Newcastle to the site. It refers to Stair Street onto an unnamed road. That unnamed road, I believe is privately owned by Dartbrook mine. And I guess we just want to ensure, even though it's not 40 technically in our shire, wanting to ensure that the landowner had actually given consent to the use of that road, it's not actually a public road, but it's listed in the...

MS GRANT: Which conditions, just repeat which conditions that you were referring to?

45

MR MCDONALD: Sorry, that's condition B 30 and appendix seven.

**TRANSCRIBED BY LAW IN ORDER**

MS SYKES: And that was Stair Street, was it?

MR MCDONALD: Yeah, refers to Stair Street, which I've never heard of. It's a chainage 1.74.8. Obviously it's one of the, it's part of the transport corridor for the components for the wind farm.

MS SYKES: Yes.

MR MCDONALD: So it's critical to have owner's consent to use that road. The other issue I'd just like to mention is, decommissioning of the wind farm. So I guess we have got some concerns that the turbines and associated infrastructure could be abandoned at the end of the asset's useful life, leaving property owners to decommission and remove the turbines. We believe the Applicant should be required to provide some form of security, such as a bank guarantee, to ensure turbines are decommissioned. We note that the draft private agreement guideline that's been prepared by the Department of Planning and currently on exhibition as part of the state government's draft Energy Policy framework, recommends that host agreements between a project developer and landowner includes the provision of security by the developer. I don't know if that's happened in this case, but there is a risk that I guess at the end of the project life in 30 years that the owner of the wind farm at the time could potentially walk away, leaving the landowners to, you know, decommission the turbines on their land. I know there's protections in legislation, or the conditions of consent put the onus back on the developer, but if the developer goes into bankruptcy or something, then there'll be the landowner that has to foot the bill.

Just, if I can move on to the consultation that's been undertaken with Council, with the developer. So Council undertook a site inspection with the proponent in April 2022. So we had quite a number of councillors attend that site visit and the developer took us around, showed us most of the development site and the turbine locations. That was quite useful. We also met with community objectors in February of 2022 and we had community members make a presentation to the Council in March of 2021. So we, I guess the Council's heard both sides. So there's been also been numerous briefings provided to Council by the developer as well over the last few years. Overall, we're generally satisfied with the assessment and the findings of the assessment report and the recommended conditions of consent. And I think the Department's recommendation to reduce the number of turbines from 64 to 47 obviously goes a long way to addressing a lot of the issues, such as visual impacts and impacts on biodiversity. That's it for me.

MS SYKES: Okay. Thank you. Thank you very much for that overview. And just out of interest in terms of the reduced turbines that have been outlined, the 17 that have been nominated, how many of those are in Upper Hunter Shire Council area?

MR MCDONALD: I believe there's two.

MS SYKES: Two.

**TRANSCRIBED BY LAW IN ORDER**

MR MCDONALD: I understand there's 11, there was 11 turbines proposed in the Upper Hunter Shire. When you look at the map, it's very difficult to see some of these turbines are right on the border or on the boundary.

5

MS SYKES: Yeah. It is actually really difficult to work out which is in your shire.

MR MCDONALD: 11 to 9

10 MS SYKES: Okay. Do you have any questions?

MS GRANT: No.

MR MARSHALL AM: I don't think so, in summary.

15

MS GRANT: Okay, I guess the long list of comments that you made that had the topics covered by your submissions. Is it fair to say, when you were going through each one of those, now you're relatively comfortable with where it's progressed to, in terms of what's outstanding? Maybe it's just that decommissioning element and obviously the finalisation of the EPA.

20

MR MCDONALD: That's right.

MS GRANT: I think...Any of those issues that are still outstanding that you previously raised?

25

MR MCDONALD: No, Commissioner, I was just the, I guess those three last points, just the calculation of the capital investment value when determining the contribution rate, just ensuring that the property owner has given consent to the use of that private road near Aberdeen and the decommissioning of the wind farm. I think all of the other issues that we've raised in the past have been addressed...

30

MS GRANT: Thank you.

35 MR MCDONALD: ...by the Applicant or through the conditions of consent.

MS SYKES: Okay. So I'm just going to that condition B 30. You had a question about Stair Street, you said you're not familiar with that.

40 MR MCDONALD: Yes, it's actually in Muswellbrook Shire, the adjoining LGA. And condition B 30, 30 B refers to the main street, Stair Street, New England Highway.

45 MS SYKES: Yes. But it doesn't specify here the private road or specifically within that condition.

**TRANSCRIBED BY LAW IN ORDER**

MR MCDONALD: No. So appendix three refers to an unnamed road, and I believe that may be the private road.

MS SYKES: Yes okay. Thank you.

5

MR MCDONALD: Sorry, appendix seven. Sorry.

MS SYKES: Seven. Okay. Thank you.

10 MR CLARKSON: Yes, it's the one around Muswellbrook so they don't have to come through Muswellbrook. So it comes around Dartbrook mine.

MR MCDONALD: Yeah. Cuts across from...Across the highway.

15 MR CLARKSON: Yeah.

MS SYKES: And did you have any other further comment on, you mentioned the sort of the main community concerns around impact to species, lighting, erosion, bushfire and land values? Are you able to expand on those at all? I mean, one area I'm sort of interested in is bushfire as well.

20

MR MCDONALD: That was, one of the concerns raised by the community, wasn't necessarily one of our concerns as a Council. We were just relaying some of the concerns raised by the community to us.

25

MS SYKES: Okay. Okay. Well, I didn't really have any other questions as well. Are there any other further comments that you wish to raise from the group in the room and Upper Hunter Shire?

30 MS CLOUT: Yeah, Tayah Clout, while I agree with everything that's been said, I just want to make note of the fact that the community does have, many in the community do have, a lot of concerns regarding salt, the salinity problems and siltation. The siltation problems are due to where the turbines are located on quite steep slopes, and they do feel that it hasn't been assessed properly or enough, and that

35 siltation will occur in the ISIS catchment and lead into the Hunter River, from the turbines on this side of the proposal, not on the other side.

MS SYKES: The salinity and siltation.

40 MS CLOUT: I meant siltation, sorry. Not salinity.

MS SYKES: Yes. Okay, and in terms of land slips as well or failure, has there been...

MS CLOUT: There seems to be that concern as well. But I mean if it has been

45 looked into it, and that could just be a community concern generally, rather than one that's actually got merit.

**TRANSCRIBED BY LAW IN ORDER**

MS SYKES: Okay.

5 MS GRANT: And we are, we will be doing a locality tour and site visit. Is there  
anywhere that you would like us to particularly visit or pay attention to within your  
LGA?

10 MR MCDONALD: I think just, I guess just some of the objectives with the visual,  
visual impacts of using some of those properties or near those properties, obviously.  
We've also got the...There's a nature reserve, it's quite close to this site, this  
development site. So it might be worth visiting that nature reserve and just looking at  
the potential impacts on that.

MS GRANT: Is that Ben Halls Gap nature reserve you're referring to.

15 MR MCDONALD: Yep.

MS GRANT: Okay. Yeah, we'll definitely be looking at that. It's certainly quite  
proximate to the project.

20 MS SYKES: Okay. So we'll certainly take that into account. were there any further,  
any other matters that you wish to raise with the commission?

25 MR COLLISON: Yes, madam chair, Mayor Maurice Collison, I said we did do a site  
inspection. We didn't get over the whole...We didn't visit every, turbine site in our  
shire. So I recommend if you're going up there, just try and do the whole lot. I mean,  
we ran out of time because it was a fairly big day, so I suggest you inspect it every,  
every part of our LGA where the turbines are going.

30 MS SYKES: Yes. Thank you very much, mayor. We've noted that. In fact, we were  
just speaking about the site inspection before, before the meeting and some of the  
challenges around how extensive the site is and making sure that we leave enough  
time to cover that adequately, and yes, we'll certainly note that around, you know, all  
of the sites you have mentioned. And if you do have any other, you know, points that  
35 you wish to raise within, you know, in addition to what we've discussed at the  
meeting or any sort of recommendations around sites to visit, you know, we will be  
planning that over the next couple of weeks.

MR COLLISON: Thank you.

40 MS SYKES: Okay. Any other, any other matters?

MR COLLISON: No, I think just, I'd suggest you do your site inspection in the  
summer, not winter.

45 MS SYKES: So, yeah, we're looking forward to it in the next couple of weeks. Yeah.  
Thank you so much for your time. Thank you very much for the points that you've  
raised and, and your, you know, your consideration in the project that we have under

**TRANSCRIBED BY LAW IN ORDER**

consideration, and yeah, we look forward to the next couple of weeks. And, you know, as we further assess this application.

MR COLLISON: Yeah. Thank you very much.

5

VARIOUS SPEAKERS: Thank you, thank you, thank you.

**<THE MEETING CONCLUDED.**

**TRANSCRIBED BY LAW IN ORDER**