

KEY POINTS FOR MAKING A PUBLIC COMMENT PUBLIC ENVIRONMENT REPORT - CHALUMBIN WIND FARM

EPBC ACT REFERRAL 2021/8983

Submitting a public comment via email: info@chalumbinwindfarm.com.au.

Submitting a public comment via mail: Chalumbin Wind Farm Pty Ltd c/ Ark Energy, Level 6, 200 Adelaide Street, Brisbane, QLD 4000

Due to a severely compromised process, submissions can only be sent to the developer who must onforward these to the federal Minister. We have no confidence this will occur. As such we ask:

****PLEASE SCREENSHOT OR PHOTOCOPY YOUR SUBMISSION** and send a copy to Stop Chalumbin Wind Farm so we can collate them and make sure they are submitted to the Minister.

contact@stopchalumbinwindfarm.com or PO BOX 874 Malanda QLD 4885

DEVELOPMENT SIZE

Development has not been reduced in size from 200 turbines due to consultation. Original design submitted was in July 2021 was 95 turbines. Number was reduced to 94 in late 2021, and in Nov 2022 to 86.

JOBS POST CONSTRUCTION

- The claimed number of jobs post construction in the EPBC referral was 10-15 jobs. That drew widespread criticism and the number changed to 15-30. If you read between the lines the real number is still likely to be 15.
- Technicians will require specialist skills – jobs unlikely to be filled locally.

LOCATION

- Eastern boundary borders national parks and reserves including the Wet Tropics QLD World Heritage Area.
- Nearest turbine 600m from the WTQWHA border.
- South-eastern boundary borders Yourka Station, a special wildlife reserve ,managed by Bush Heritage Australia.

VEGETATION

- Largely remnant vegetation. Developer has been using photo montages and images of cleared pastureland to deceive the public.
- A single fauna spotter will be used to look for animals when clearing is taking place. This is manifestly inadequate.

REHABILITATION OF LAND

“Rehabilitate” can be defined as to ‘return something, especially an environmental feature to its former condition.’

- Claims made do not stack up.
- Northern Greater Gliders utilise hollows in eucalyptus trees. These trees take 150-260 years to reach this stage.
- Areas can be revegetated by not rehabilitated. Once remnant vegetation is cleared, it will never be the same.
- \$47 million to revegetate Chalumbin and maintain over 5 years. [Source: Treat]
- How long will this take?
- Is developer going to pay the money needed to do it properly?
- At end of life the site will be ‘rehabilitated to facilitate continuation of the current land use (agriculture) or an alternative land use.’ That could be taken to mean cleared pastureland.

ALTERNATIVE SITE ACCESS

- The developer has only stated they will 'investigate' and 'consider' an alternate route.
- There is no commitment by them / nor any obligation on them under the PER, to use the alternate route.
- Submissions could be made requesting that the use of the alternate route is a condition of approval.

TEMPORARY CONCRETE BATCHING PLANTS

- No information provided on where the water will come from.
- 68,800m³ of concrete required for turbine foundations alone.
- Submissions could be made requesting an approval condition that Blunder Ck and local waterways are not to be used as water supply for batching plants.

CONSTRUCTION WORKER ACCOMODATION

- Developer only 'considering' and 'investigating' the feasibility of an alternative accommodation option (building a dedicated construction compound).
- There is no commitment nor obligation under the PER for them to do so.
- Homelessness and housing crisis. There is no capacity to house workers.
- Only way to accommodate workers would be to displace locals by offering higher rents.
- Submission: Make the construction of a dedicated accommodation compound (capable of housing all workers), a mandatory approval condition.

FEASIBLE ALTERNATIVES

The Guidelines for the Content of a Draft PER – Chalumbin Wind Farm state: 'Information provided in the PER should be objective.'

- The 'No action' alternative has not been objectively assessed. No cost-benefit analysis.
- 'No action' states: ***'Lost opportunity to access the land and resultant loss of annual benefits to landholders in relation to commercial agreements to sub-lease the land for the proposed wind farm.'*** Landholders of just two properties will benefit in the claimed manner. By contrast, a considerable number or residents will be directly significantly impacted, on Wooroora Rd and surrounds, and their loss of amenity has not been listed.
- 'Avoidance of all Magnificent Brood Frog Habitat' – The catastrophic impacts Chalumbin poses to this species are such that all known habitats must be avoided. In the absence of this being 'practicable' as the developer claims, the development must not be allowed to proceed, and the development must be deemed manifestly unsuitable for this location.
- Guidelines state 'describe any feasible alternative'.
- Options not assessed: nuclear, solar on existing cleared land, offshore wind, wind turbine developments outside of the Northern QREZ.
- Submission: assessment of feasible alternatives was not objective and was incomplete.
- By not being 'objective' in the assessment, the developer has breached the Guidelines for the Content of a Draft PER – Chalumbin Wind Farm.

WATER CATCHMENT

- The Project area located on NE edge of the Herbert River catchment, the largest catchment of the Wet Tropics region.
- The Herbert River eventually discharges approx. 5.081 trillion litres annually into the Coral Sea near Lucinda.
- The Herbert River is a contributor of dissolved inorganic nitrogen and fine sediments being released into the Great Barrier Reef Marine Park.
- Therefore sediment, siltation, pollutants, and other upstream impacts at Chalumbin potentially have a flow on effect downstream.
- Blunder Creek is the largest waterway to traverse *[travel across or through]* the development area.

- The riparian vegetation associated with this waterway, and the waterway itself, provide habitat for a range of native species.
- Having permanent water available in various stretches of the creek, this waterway provides refuge habitat for wildlife during drier periods.
- Water used for dust mitigation and other construction related purposes, in addition to concrete batching, must not be drawn from local waterways. This must be made a condition of approval.

SURVEYS OF FLORA & FAUNA

- Surveys insufficient in method, duration, and in some cases time of year.
- Spotlighting carried out from a vehicle and confined to access tracks. Associated noise & light from vehicles will impact results. Density of fauna likely to be higher in secluded areas away from tracks.
- Contradictions in the amount of survey hours undertaken.
- Surveys conducted after significant rain when accurate results could not be determined (Nth QLD Lace).
- If the developers ecologists can't even accurately state the hours of surveying, how can any credibility be put in the claimed survey results?
- In multiple bird surveys a single specimen was found.
- Diurnal bird counts were only carried out at 28 fixed point 2ha each over 20-minute period – 12 days. Development site is 1071.1ha.
- Bird Utilisation Surveys were only carried out at 21 locations - only 140 survey hours.

NORTH QUEENSLAND LACE ENDANGERED [EPBC Act]

- Fully submerged aquatic plant – soft leaves are not rigid, and do not sit upright nor out of the water.
- Survey method, timing and duration manifestly inadequate.
- Survey carried out Feb 2022 during the month that recorded heaviest rainfall previous year (293mm). Jan 2022 figure 289mm.
- Species can generally not be seen when creek volumes are swollen. Higher flow = higher turbidity.
- Total area of potential habitat 40km of watercourses.
- Two people carried out survey in either 5/6/7 days – PER quotes all three figures!
- Survey was from observations at creek bank. Insufficient method at any time – especially during swollen waterways.
- Accurate surveying requires accessing creek and underwater viewing.
- Survey needs to be re-performed, independently observed.
- Survey manifestly inaccurate and cannot be used for MNES assessment purposes.
- As survey does not meet EPBC Act impact assessment requirements, development approval cannot be given.

MAGNIFICENT BROOD FROG ENDANGERED (IUCN) / VULNERABLE (EPBC Act)

- Very limited range. Known population cover small areas – most sites less than 0.1ha.
- Estimated total area of known occupancy 50ha.
- Restricted to specific habitats. Breed in and around seepage areas*.
- Eggs are laid on moist soil in or near a seepage, usually under vegetation. After hatching, the tadpole makes its way down the seepage or is washed into first order streams where development continues in small pools.
- It is not known what habitat they use over the dry season.
- Habitat loss and degradation appear to be the greatest threats to the magnificent brood frog.
- 97 % of known sites are located on unprotected land.
- The Magnificent Brood Frog working group was denied access by the landowner to undertake repeat surveys.
- The cumulative impact on loss of habitat at Kaban wind farm compounds the impact at Chalumbin.
- MNES assessment seriously downplays the threat to the species.

- Regrowth forest uses more water than old growth and therefore has the potential to reduce seepages. This could further impact habitat and impede breeding.
- Developer uses a \$250000 grant for research into the species as an 'offset'.
- By no reasonable assessment, can this grant offset the impacts this development will have on the species.
- As the total population is likely to be very small, **all of the known habitat is considered critical for survival.**
- The Chalumbin Wind Farm development will result in the clearing of 120.5 ha (297.76 acres) of magnificent brood frog habitat.
- This is acknowledged as likely to have a significant residual impact on the species.

*[*A seepage is a moist to wet area where water (usually groundwater) reaches the soil surface from an underground aquifer. In contrast, springs usually have a higher volume of water than seepages.]*

MASKED OWL VULNERABLE (EPBC Act)

- It requires large old-growth trees with large hollows for nesting.
- The Chalumbin Wind Farm development will result in the clearance of 534.2 ha of nesting and foraging habitat and an additional 507 ha of foraging-only habitat = 1041.2ha (2572.86 acres) (This figure is stated to be 1031.74ha elsewhere in the document).
- This is stated as likely to have a significant residual impact on the species.

RED GOSHAWK VULNERABLE (EPBC Act) ENDANGERED (NC Act)

- The estimated home range is 120 km² (breeding female) and 200 km² (male).
- Diet is composed of 95% birds caught in flight.
- Habitat has to be open enough for fast attack and manoeuvring in flight, but provide cover for ambushing of prey. Therefore, forests of intermediate density, or ecotones between habitats of differing densities are favoured.
- Can soar to approximately 1000m
- Biggest threat: vegetation clearance.
- Highly secretive – insufficient survey work carried out. The recommended survey effort guide is stated as 50 hours per 50ha area. The development site is 1071.1ha. Therefore, by that calculation 1071.1 hours of survey should have occurred. Instead, the developer states just 443 hours of surveying, in total was performed.
- In Jan 2021 a nest was found stated in the EPBC Act referral as 'considered highly likely to belong' to the Red Goshawk. It was 'confirmed' as a Red Goshawk nest by an expert, a QPWS ranger. It was stated to "possibly" belong to the Red Goshawk by two other experts. That story has changed twice in the draft PER as outlined below:

MNES REPORT CHALUMBIN WIND FARM VOLUME (page 92) 22/06/2021

- 'A nest considered **highly likely** to belong to red goshawk was observed in the Glen Gordon property, in riparian vegetation to the north of the main property access road. The nest was unoccupied (as would be expected in late January) but appeared to have been recently built (no older than the 2019-20 breeding season). Photographs of the nest were sent **to a number of recognised red goshawk experts; one (a QPWS ranger) confirmed the nest as belonging to the red goshawk while two others considered it was 'possibly' belonging to the red goshawk.**'

DRAFT PER CHALUMBIN WIND FARM (page 114) 03/11/2022

- 'A nest considered **possibly belonging** to red goshawk was observed in the Project area in January 2021, in riparian vegetation. The nest was unoccupied (as would be expected in late January) but appeared to have been recently built (no older than the 2019-20 breeding season). Photographs of the nest were **sent to four recognised red goshawk experts;** one (a QPWS ranger) stated the nest was **likely** to belong to the red goshawk while two others considered it was 'possibly' belonging to the red goshawk **(the fourth did not respond).**'

➤ **DRAFT PER CHALUMBIN WIND FARM (page 152) 03/11/2022**

'In January 2021 a nest considered **as possibly belonging** to red goshawk was observed in the Glen Gordon property, in riparian vegetation to the north of the main property access road. The nest was unoccupied (as would be expected in late January) but appeared to have been recently built (no older than the 2019-20 breeding season). Photographs of the nest were sent to **a number of recognised bird specialists** (including a QPWS ranger, a member of BirdLife Australia, a staff member of the AWC and another experienced ornithologist); **one agreed the nest resembled that of a red goshawk**, two others considered it was 'possibly' belonging to a red goshawk and **one was certain that the nest was not that of a red goshawk but instead belonged to a grey goshawk (a non-threatened species that was observed during surveys).'**

- All three versions of the story cannot be true. The developer appears to be attempting to mislead federal approval authorities.
- Chalumbin Wind Farm is in bioregions with known sightings of the species, and where there have been known to be breeding pairs previously.
- As the nest was confirmed to be a Red Goshawk nest by an expert, the precautionary principle must be applied, and the nest treated as belonging to the species.
- The National recovery plan for the Red Goshawk states that '*habitat critical for red goshawk survival needs to contain all known sites for nesting, food resources, water, shelter, essential travel routes, dispersal, buffer areas, and sites needed, or the future recovery as defined by the EPBC Act.*' [*National recovery plan for the red goshawk *Erythrotriorchis radiatus**]
- The PER states 'no habitat critical to the survival of the species has been mapped.' Despite this, a critical habitat map was produced in the MNES report in June 2021. In the absence of an updated map, the original map provides the most accurate depiction available. This clearly shows that the Chalumbin Wind Farm will have a significant residual impact on the species.
- This species is also present at the Upper Burdekin Wind Farm site with 884 ha of habitat to be destroyed. The cumulative effect of both developments on this species are of immense concern.
- The Chalumbin Wind Farm development will result in the clearing of 1031.74 ha (2549.49 acres) of potential Red Goshawk habitat.
- Due to the conduct outlined above, it is listed as unlikely to have a significant residual impact on the species. This finding is not supported by evidence and must be discarded.
- The Red Goshawk has not been accurately assessed for MNES under the PER, and as such approval for the Chalumbin Wind Farm development cannot be granted.

WHITE THOAT NEEDLETAIL (VULNERABLE & MIGRATORY EPBC Act)

- Migratory species spends approx.. 6 months of the year in Australia.
- The major threat to the species in Australia appears to be wind turbines.
- The cumulative effect of all current and planned wind farms needs to be considered when assessing this species.
- Birds falling victim to bird-strike may attract raptors and other species, who in turn can be killed by turbine blades.

KOALA ENDANGERED (EPBC Act) see below:

The koala was declared an endangered species under the EPBC Act on 12/02/22; however, the PER Guidelines stipulate that any listing events that occur after the controlled action decision (August 2021) do not affect the assessment and approval process. Therefore, the koala is assessed under this PER through its former vulnerable listing under the EPBC Act.

- Climate change is a big threat to this species.
- THE PER states: For conservation of the listed koala, it will be imperative to maintain populations that:
 - Exist in areas of climatically suitable refugia during periods of environmental stress, including droughts, heat waves and long-term climate change.
 - Are geographical or environmental outliers within the species range
- The PER states: Habitat critical to the survival of the species should consider the following factors:

- Whether the habitat is necessary to maintain genetic diversity and long-term evolutionary development.
 - Whether the habitat is necessary to meet the long-term future of the species through reintroduction or re-colonisation.
 - Any other way in which habitat may be critical to the survival of the species.
- 103 hours of spotlighting undertaken from vehicle – manifestly inadequate.
 - Notoriously secretive and difficulty to spot
 - Known verified record of healthy male Koala Oct 2020 as the adjoining Yourka Reserve
 - Developer has misled the community stating this Koala sighting was a decade ago.
 - Koala expert Roger Martin is quoted as saying *“It would be reasonable to suggest that koalas are all through the eucalypt country on the western edge of the Wet Tropics and that the only reason they haven't been seen on the Chalumbin site is that no one has looked very hard.”* [Source: email correspondence]
 - Koalas are also present at Upper Burdekin wind farm and when combined with Chalumbin, the area of habitat to be cleared is more than doubled. The cumulative impact of this, must be assessed - particularly given this is elevated habitat - critical to the future survival of the species.
 - The Chalumbin Wind Farm development will result in 843.81ha (2085.10 acres) of habitat being cleared.
 - This is acknowledged as likely to have a significant residual impact on the species.

NORTHERN GREATER GLIDER VULNERABLE (EPBC Act)

- Was only formally recognised as a distinct Species July 2022.
- Population is declining due to loss of habitat and, particularly, loss of appropriate denning habitat.
- It is typically found in highest abundance at high elevation, wetter sites in open woodland to open forests, containing old trees and abundant hollows.
- During the day, the northern greater glider shelters in tree hollows with a particular preference for large hollows (>10 cm diameter) in large, old trees at least 8 m above the ground
- Hollows develop very slowly in Australian eucalypts, with minimum times of 150-260 years from germination to the beginning of hollow development. Therefore revegetation cannot offset the impact of lost trees.
- Loss and fragmentation of habitat has already occurred in many parts of the species' range.
- The impacts of climate change will place increased pressure on its remaining habitat. A 'stark' and 'dire' decline of habitat suitable for the northern greater glider ('almost complete loss' ~ 90 %) has been predicted if there is a 3°C temperature increase.
- As the development area represents a large contiguous area of eucalypt forest which contains mature hollow bearing trees and a diverse range of the species' preferred food species particular to that region, it can be considered as **habitat critical to the survival of the northern greater glider.**
- The use of artificial nest boxes and ropes crossing cannot counteract the significant residual impact this development will have on this species.
- The cumulative impact of the destruction of land at both Chalumbin & Upper Burdekin Wind Farm nearly double the total area of habitat loss. This is not sustainable for this species.
- The habitat map and intersection with the development is shocking, and this development should not be approved.
- The Chalumbin development will result in the clearance of 534.0 ha of denning habitat and 368.6 ha of foraging habitat. (902.6ha / 2230.37acres combined). [stated elsewhere in PER as 887.9ha]
- This is acknowledged as likely to have a significant residual impact on the species.

SPECTACLED FLYING FOX ENDANGERED (EPBC Act)

- Keystone species - plays a vital role in pollination and the dispersal of rainforest seeds and is considered an important value of the WTQWHA.
- Foraging records suggest that the species feeds on fruits of 14 rainforest plants for which no other disperser is currently known. [Source: National Recovery Plan for The Spectacled Flying Fox <https://www.dcceew.gov.au>]
- Populations are under immense pressure due to loss of habitat.
- There is potential for the development to have a significant residual impact on the spectacled flying-fox through turbine collision and/or barotrauma. Barotrauma causes death in bats by rapid air-

pressure reduction near turbine blades causing tissue damage. This is due to the expansion of air in the lungs that cannot be expelled. A study found that 90% of bat fatalities involved internal haemorrhaging consistent with barotrauma, and that impact with turbine blades only accounted for about half of the fatalities. [Source: <https://www.sciencedirect.com/>]

- There is a colony 30km from the project area that has up to 9999 individuals. Will forage up to 50km from camp at night.
- The development area is within their feeding zone and this habitat must be protected to ensure the survival of the species.
- There was a mass die-off event during a heat wave in Cairns in 2018. Up to half population in the colony lost. [<https://www.abc.net.au/news/2020-05-18/cairns-spectacled-flying-fox-bat-relocation-conservation/12258596>]
- Cafenec states this species may in fact be critically endangered: *"Spectacled Flying Foxes are a very special part of Far North Queensland and are a key pollinator for our beautiful rainforests. They are currently under threat from loss of habitat, climate change and urban development. In 2019 they were listed as Endangered, however, the recent mass death in November 2018 were not considered in this listing. Experts tell us the numbers indicate Spectacled Flying Foxes should be listed as Critically Endangered. Despite the stress on the population of these important creatures, they continue to face on going and unnecessary threats from human activity, particularly development and ongoing dispersal attempts from the Cairns Regional Council."* [<https://cafec.org.au/spectacled-flying-foxes/>]
- With this species in clear conflict in heavily built up urban areas, it is incomprehensible that a critical population such as this one, East of Ravenshoe - well outside of population centres would be put at threat.
- The development will result in the clearing of 976 ha of spectacled flying-fox foraging habitat.

WET TROPICS OF QUEENSLAND

- The Wet Tropics rainforests contain an almost complete record of the major stages in the evolution of plant life on earth.
- In an Australian context, the Wet Tropics covers less than 0.2% of Australia, but contains 30% of the marsupial species, 60% of bat species, 25% of rodent species, 40% of bird species, 30% of frog species, 20% of reptile species, 60% of butterfly species, 65% of fern species, 21% of cycad species, 37% of conifer species, 30% of orchid species and 18% of Australia's vascular plant species. It is therefore of great scientific interest and of fundamental importance to conservation.
- Under the EPBC Act, any action that has, will have or is likely to have a significant impact on the World Heritage values of a World Heritage property must be referred to the responsible Minister for consideration. **The EPBC Act applies whether the activity is inside or outside of the boundaries of a World Heritage property.**
- The Wet Tropics World Heritage Area borders the Chalumbin Wind Farm.
- The closest turbine will be just 600m away from the boundary.
- The destruction of Wet Sclerophyll Forest has been raised as a significant concern by the Wet Tropics Management Authority.
- All areas of Wet Sclerophyll Forest should be avoided, with suitable buffers retained around these areas.
- In addition to habitat, they provide a buffering effect against bushfires.

NATIONAL HERITAGE VALUES

- Wet Tropics of Queensland is part of the National Heritage List.
- Indigenous heritage values are formally recognised as part of the National Heritage Listing for the WTQ, acknowledging that rainforest Aboriginal heritage is unique to the Wet Tropics that represents a remarkable and continuous Indigenous connection with a tropical rainforest environment.
- The Wet Tropics is unique, providing at least 5,000 years of evidence of occupation as the only area in Australia where Aboriginal people lived permanently in the rainforest, adapting to seasonal abundance and lean times with plants providing much of their food.
- There are a number of traditions that describe how creation beings created and instructed rainforest Aboriginal people about the foods found in the rainforest and how to make them edible. These

traditions are inscribed in the landscape at particular named places. These places and traditional lore provide the conceptual framework that underpins the rainforest Aboriginal people's technical achievement in processing toxic plants. [Source: PER]

- **The Indigenous values of the WTQ National Heritage Place are not definitely mapped.**
- **Indigenous people are the primary source of information on the value of their heritage and should be consulted on a proposed action that may significantly impact on the listed Indigenous heritage values of the place and/or on a protected matter that has Indigenous heritage values (such as a listed threatened species).** [Source: PER]
- There are **two key cultural aspects** of the National Heritage List criteria for the Wet Tropics of Queensland. Both of these key values identified in the National Heritage List **extend beyond the boundaries of the Wet Tropics WHA and into the Project Area.**
- The National Heritage List criteria describe the characteristics of a 'Cultural Landscape'. Cultural landscapes should contain:
 - **"Cultural properties that represent the combined works of nature and man**
This section presents characteristics of the Jirrbal cultural landscape. Oral traditions also include Jirrbal intangible cultural heritage on their beliefs, traditions, customs, stories, and other non-physical cultural practises and knowledge, cultural heritage values that are a highly significant component of the Jirrbal cultural landscape.
- Insufficient work has been carried out on behalf of the developer to consult all Jirrbal people. A lot of areas of significant cultural heritage are not recognised.
- The destruction of areas of Cultural Significance would impact on the National Heritage values of the WTQ.

CONSULTATION

- There has been no proper, open community consultation at any stage of the process.
- Sept 16th, 2021, meeting the community was treated with complete contempt. Jirrbal Elders were ignored and treated with absolute disdain. That set the stage for all future engagement.
- Developer has sought one-on-one and small briefings instead of open meetings.
- At no stage, throughout the process, has the developer held or attended a community meeting, despite being invited to one the community organised late last year.
- Having Sacred Sites and areas of Cultural Heritage not acknowledged, and potentially desecrated would be like past horrors being repeated and amplified.
- This development must not be allowed to occur without the consultation of all Jirrbal people with a connection to this area.
- The developer has deliberately misled the community throughout the process. From publishing photo montages, and images designed to make it appear as though the development area is cleared pasture land, to describing it as grazing land.
- Outright lying to the community by implying for example that Koalas had not been seen at Yourka for a decade.
- The developer wilfully fabricated a story, of what occurred at the meeting on the 16th Sept 2022, in order to deceive the federal government approval authorities, and attempt to justify why open consultation had not occurred.
- There were more people at the Stop Chalumbin Wind Farm protest outside the so-called 'info hub' than were at the briefing inside in Feb. this year.
- The so-called 'independent' chair of the declared 'voluntary' Community Advisory Group is being paid by the developer. The chair is managing director of a company that provides services to renewable energy companies. One of those services is 'strategic advice to fast track approval project approvals'. By any definition there is a serious problem here!
- The Community Advisory Group is not representative.
- The Community Advisory Group is a sham – it was set up as a mechanism to tick the box on consultation. It must not be considered a part of the consultation process.

- \$500,000 annual grants are being used as leverage to gain approval. The focus is always on the grants and not the facts of the case. Grants are contingent on development approval.
- The information hub is regularly closed during the limited state opening hours.
- Emails sent to the developer are unanswered.
- Developer is in breach of the Clean Energy Councils Best Practice Charter.
- Developer has failed to meet the threshold for community consultation based on their own definition.
- Developer by their own definition has no social license to operate in the community.

MNES LISTED SPECIES

The Guidelines for the Content of a Draft PER – Chalumbin Wind Farm state:

'The PER must provide information of the impacts to any MNES identified as potentially being significantly impacted by the proposed action.'

'It is the proponent's responsibility to ensure that any listed threatened and migratory species and ecological communities at the time of the controlled action decision, which will or are likely to be impacted by the project, are assessed for the Minister or the delegate's consideration'.

- The PER has failed to outline all MNES species.
- What else has been left off the assessment process?
- How can any confidence be placed in an ecological report that contradicts itself, omits key information, utilises manifestly inadequate survey methods, fabricates information and is incomplete?

The Guidelines state: 'This information should be sufficient to allow the Minister or the delegate to make an informed decision on whether or not to approve, under Part 9 of the EPBC Act, the taking of the action for the purposes of each controlling provision.'

- The draft PER is fundamentally flawed, incomplete, inaccurate, misleading and deceptive, and breaches the guidelines therefore it fails to meet the standard required in order to be submitted to the federal dept DCCEEW and Minister.

INDIGENOUS ENGAGEMENT

The Guidelines for the Content of a Draft PER – Chalumbin Wind Farm state:

"The department considers that best practice consultation, in accordance with the Guidance for proponents on best practice Indigenous engagement for environmental assessments under the EPBC Act (2016) includes:

- **identifying and acknowledging all relevant affected Indigenous peoples and communities;**
 - **committing to early engagement;**
 - **building trust through early and ongoing communication for the duration of the project, including approvals, implementation and future management;**
 - **setting appropriate timeframes for consultation; and**
 - **demonstrating cultural awareness**
- The developer has failed to comply with best practice as outlined above, and as is therefore in breach of the guidelines of the PER by:
 - Refusing to talk to, listen, acknowledge or accept the concerns regarding Sacred Sites and areas of significant Cultural Heritage value, that Jirrbal community members including Elders were trying to raise at the Sept 16th, 2021, community 'info session' meeting.
 - By treating Elders with absolute contempt at that meeting and at no stage since, making any effort to apologise and rectify the situation through open dialogue.
 - Far from building trust the developer broke all trust at that first meeting, and the underhanded way they have acted since has only compounded the issue.

- By refusing to engage with all relevant affected Jirrbal people and instead electing to only consult with the PBC, the developer has discriminated against many in the community and denied them their rights to be heard, respected and to be a part of the consultation process.

THE DEVELOPER

- The developer, by their conduct, in a deliberate and sustained manner, deceived the community about the development through misrepresentation and lies.
- The fabrications contained in the PER, constructed in order to gain approval, and a financial windfall of 100's of billions of dollars, likely meet the threshold for fraud and a federal police complaint is being lodged.
- The developer by their conduct throughout the process, and of note in the draft PER, has shown they are not a fit and proper entity, and should not be granted development approval.