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NSW Government Planning
GPO Box 39
SYDNEY NSW 2001

Dear Sirs,

RE: Capital Solar Farm Planning Application

As the neighbouring landowner most directly affected by the proposed solar farm we wish to outline our position, concerns and observations.

We purchased our property in 2001 from the 2nd family to own the property since the mid 1800's. Our stated development plan for the property was to improve the total farm infrastructure, including the historic Werriwa homestead, over a ten year period and that process is close to finalisation.

This unique property has been improved by us with a view to establishing it as a working farm holding of 80 Ha with park-like atmosphere and with an eventual aim to sell it as one of the best developed rural lifestyle properties in the district. This objective is part of our superannuation planning and is an important part of our retirement capital. As I turn 60 next year this part of our superannuation planning is very relevant and immediate.

We understand that infrastructure of this nature is required in Australia and our objection is not with the nature of the development but rather with the immediate and long-term effect it will have on the value of our property, a property we already have a short-term timeline planned for disposal.

To gauge and more fully understand the impact this proposed development will have on the value of our property, we engaged the national independent property advisors Herron Todd White to undertake a detailed assessment and in summary, they advise that our asset will suffer a reduction in value of \$550,000.

We were not able to attend the community consultation night on the 30th July 2010, but had a locally residing relative inform Infigen's representative of our contact details so our concerns could be discussed. Chris McGrath from Infigen did contact us one evening in September and while he did listen to our concerns regarding a downgrade in value of our property as a result of such a massive industrial complex being established opposite our property, his emphasis was that 'solar farming' was an allowed use of prime farmland and that permission for the development would be in the hands of the NSW government and not subject to local approvals. He further advised that compensation issues were not on the table and that he would get his boss David Griffin to discuss this further with us.

As no further contact has been made by Infigen to discuss our concerns, we have probably correctly decided that Infigen would proceed to planning approval and then perhaps negotiate from that position. We therefore felt compelled to engage the consultant Herron Todd White to assist in presenting our case. We do not have the financial resources to take on a company the size of Infigen, but believe our interests are being ignored and wish to have them considered as part of the approval process. Infigen are not following the terms of the Director-General's Requirements as outlined in the Departments advice to them of 1st September (your reference 10/13946) in that they have not demonstrated they have held 'effective consultation' with the only substantially affected neighbouring landholder. This is despite mentioning the close proximity of our property Werriwa to the development (our entry driveway is only 100 metres from the proposed panels).

I have attached photographs taken from our properties main entry and top entry together with an amended submission graphic to show these vantage points in relation to the proposed development. An industrial development of this massive scale, described as being enclosed by an 8' security fence with security lighting in my rural setting, will clearly devalue our property and full compensation must be a condition of approval.

In the August court decision in the matter of ***King & anor v Minister for Planning; Parkesbourne/Mummel Landscape Guardians Inc v Minister for Planning; Gullen Range Wind Farm Pty Ltd v Minister for Planning [2010] NSWLEC 1102 (Gullen Range Wind Farm decision)***;

The Court assessed the potential impact of the Project on individual properties where there were existing dwellings or dwelling entitlements. It assessed the cumulative visual, noise and shadow flicker impacts. The assessment aimed to determine whether individual properties should be subject to an acquisition regime. Under the acquisition regime, if a property was sufficiently adversely impacted by the Project, the Proponent was required either to:

- *acquire the property; or*
- *remove problematic turbines.*

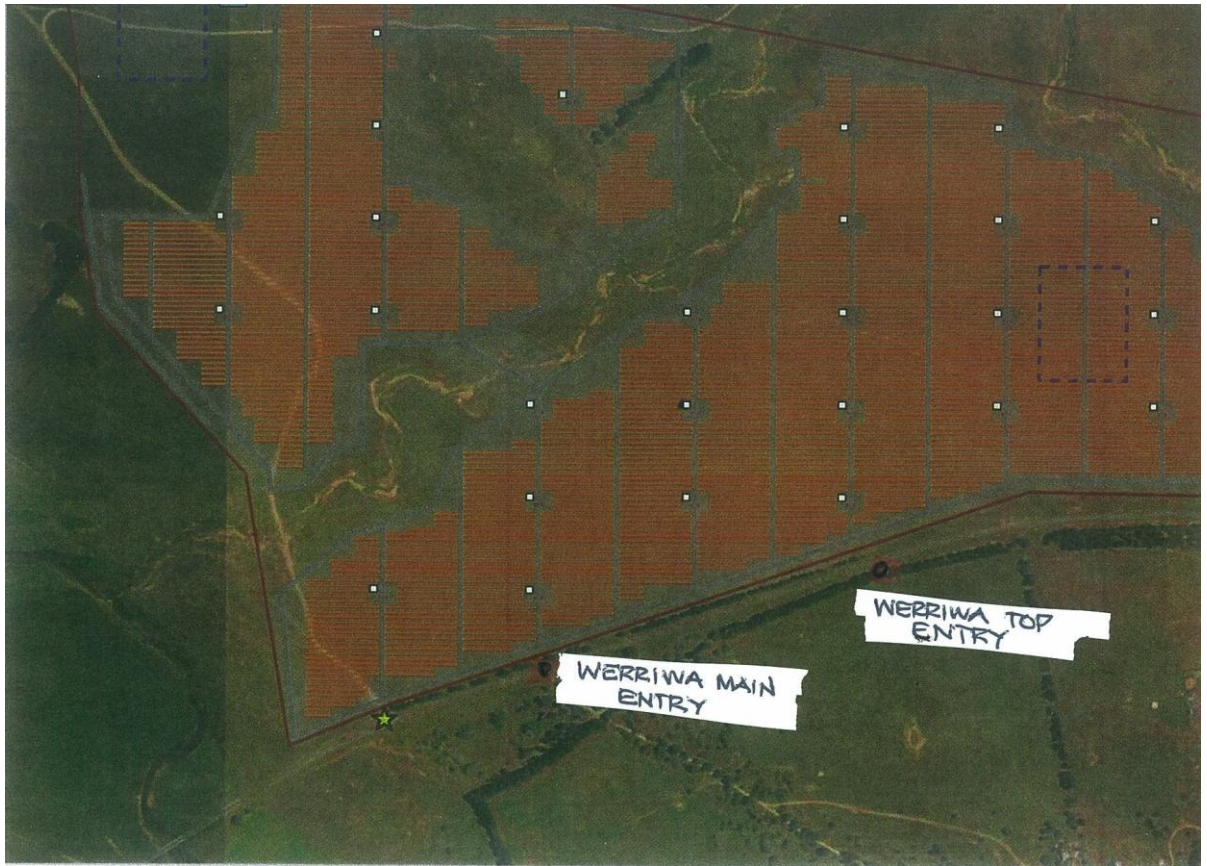
The Court held that where a property was subject to acquisition, and there was only one existing dwelling or dwelling entitlement on it, the entire property should be acquired even if the land could theoretically be subdivided. However, where a landholding had more than one dwelling or dwelling entitlement, those discrete parts of the landholding impacted by the Project should be subject to the acquisition regime.

We believe that this very recent determination where a renewable development impacted on an adjacent landholding is applicable to our situation.

As stated previously, we understand that developments of this nature are beneficial and are not adopting a NIBMY approach, rather we only wish to receive fair compensation for the effect this development would have on our property and we would like you to ensure that this issue is included as a condition of any planning approval that is given.

Yours sincerely,

Stephen Conroy





VIEW FROM WERRIWA ENTRY OVERLOOKING PROPOSED SOLAR PANELS



VIEW FROM WERRIWA TOP GATE OVERLOOKING PROPOSED SOLAR PANELS



VIEW FROM WERRIWA TOP GATE OVERLOOKING PROPOSED SOLAR PANELS