

Jupiter Wind Farm (SSD 6277)
Community Information Session – Wednesday 7 December 2016
Summary of issues raised

1. Summary

- Community attendees:
 - o Approx. 150
 - o 24 community members asked questions or made comments
- Department attendees:
 - o David Kitto (Executive Director, Resource Assessments and Business Systems)
 - o Michael Young (Director, Resource Assessments)
 - o Nicole Brewer (Team Leader, Resource Assessments)
 - o Iwan Davies (Senior Planner, Resource Assessments)
- Independent facilitator attendees:
 - o Roberta Ryan (Associate Professor and Director – Institute for Public Policy and Governance)
 - o Ben Dowler (Research Officer – Institute for Public Policy and Governance)

2. Overview of key issues raised by community members

- Visual impact
 - o Proximity of wind turbines to residences.
 - o Lack of confidence around process to assess visual impacts, including photomontages.
- Noise impact
 - o Impact of noise particularly as there are no precedent of wind farms with turbines of this size in Australia.
- Health
 - o Impacts associated with infrasound.
- Land use and planning process
 - o Concern around the review of SEARs by the Department last year.
 - o The proposal does not reflect the land use of the area (rural residential).
 - o Concern around the potential to increase the density of the turbines in the future.
 - o Community wanted to understand the planning approvals process and opportunity for appeal at the Land and Environment Court.
- Economic impact
 - o Impact on valuation of homes in the area and concerns about decrease in property value.
 - o Inadequacy of EPYC offers for the shared benefit scheme.
- Community impact and engagement
 - o Inadequacy of community consultation undertaken by EPYC.
 - o Dissatisfaction with the Department for the placing the EIS on exhibition with inadequate consultation.
 - o Potential impact and effect on kids that use school buses accessing particular roads that will be affected e.g. Braidwood and Goulburn Roads
- Other:
 - o Traffic movement and construction of wind turbines.

3. Comments and questions from the community

Community member 1:

- Will be a host of wind turbines.
- Asked community attendees whether they believed in renewable energy.
- Believes the Southern Tablelands could become a renewable energy hub for NSW (lack of defined industry).
- Believes the developers have handled the consultation and communication of the benefits of the wind farms poorly.

Community member 2:

- Has the Department taken into consideration the number of residents in the area?
- Department: The number of residents within proximity to the wind farm is at the high end of the spectrum compared to other wind farms in NSW.

Community Member 3:

- How many wind farm developments have been knocked back by the Government in the last seven years?
- Department: None have been refused. Some have been modified including significant changes to number of turbines e.g. Yass.

Community Member 4:

- Did not speak

Community Member 5:

- Does the Department use a matrix model to assess proposals? What factors are considered and what is their weighting?
- Department:
 - o A matrix model is not used.
 - o There are a number of checks and balances including a range of issues and policies, and the advice of independent experts.

Community Member 6:

- EPYC has been very hard to get information from.
- The EIS last year was rejected by the Department. The revised SEARs from the Department made the proposal by EPYC weaker
- If the Department has made these changes in the past how do the community know that the Department will be fair in the future?
- These are big industrial structures in a rural and residential setting.
- The photomontages need to be improved and are a key issue.
- Department:
 - o Photomontages are one tool used in the assessment. Not all properties agreed to access. The aim is not achieve the perfect montages. The Department will be doing its own assessment with independent landscape advice and wants to visit people and see for themselves. It is important to start the process and for the project and the community not to sit in limbo.
 - o The changed SEARs were reasonable and provide the information needed to make decisions.

Community Member 7:

- A host of wind turbines
- Mindful of the tension in the community.
- Wanted to be assured that the Department take into account the positive impact of the development on the community.
- Not aware whether the Department has been to host properties.

Community Member 8:

- The Clouston's report in the EIS includes panoramic photography that does not reflect what is seen with the naked eye
- Why are the montages in such a large paper size that it is impossible to print off?
- Can the Department use the right size and resolution on the maps?
- Department:
 - o The photomontages are one tool amongst many others that are used to assess impact. The Department recognises the limitations of photomontages.
 - o The NSW State Government priorities include renewable energy but in the right place.
 - o The Department's assessment will include advice from an independent visual expert.
 - o The Department brought 20 USBs to provide to any residents who want the EIS and figures in high resolution.

Community Member 9:

- I am going to see 88 Centrepont towers in front of me. The impact is obvious so why do you need an expert to give advice on visual impact?
- Hosts will get rent and often don't live in their houses. What about the other residents around them that are impacted?
- We are expected to read the thousands of pieces of paper in the EIS to make a submission.
- Department:
 - o The Department sympathises with the size of documents. It is our role to review the EIS in assessing the project.
 - o There is no obligation for residents to read all the detail the EIS, however residents should make a submission to ensure they are able to get their issues considered.

Community Member 10:

- We are a happy community.
- There have been no wind farms refused so far.
- A lot of people have concerns and it feels like we are playing a game.
- There is legislation in place but what assurance can you provide us that there is the possibility that the proposal will be refused?
- Department:
 - o Yes there is a possibility a proposal can be refused and the Department hears all sides of the story.
 - o The Department weighs up the merits of a project and determines whether it is in the public interest.

- o The Department wants to ensure there is genuine consultation with the community.
- o The decision will be made by the independent Planning Assessment Commission sometime next year.

Community Member 11:

- Thanked Department for the format this evening and noting it was a different experience from that provided by EPYC.
- The EIS is inherently skewed in favour of the developer.
- We have a relatively short amount of time to make objections seeing as the developer can prepare over many years.
- We don't have the money to get lawyers or consultants to do expert work.
- How will you protect communities' interest?
- Department:
 - o Any major development proposal takes a long time to prepare. Ultimately government agencies are required to run a fair and balanced system based on evidence. Residents can employ consultants but they are not obliged to.
 - o The Department will be seeking independent advice and assessing the project in detail. The Department will be arranging meetings with key residents.
- Comment: How do we know the consultants are independent? The noise experts are aligned with wind turbine companies.

Community Member 12:

- I will be living less than 2km away from 11 turbines.
- The community consultation undertaken as part of the EIS is not adequate. Consultation has not been two-way.
- EPYC has visited us but has never delivered on what they said they would.
- Relationship between EPYC and the community is strained.
- How did the Department determine consultation undertaken by EPYC was adequate?
- Department:
 - o The Department advises all developers to undertake consultation. Proponents cover all ends of the spectrum and how each one carries it out differs. The Department required EPYC to improve consultation and we received a list of activities undertaken by EPYC.
 - o Although you may disagree, the Department was satisfied that the consultation was appropriate for the Department to move forward with the process of exhibition.
 - o PAC has delegated authority to determine wind farm project when more than 25 objections are received, which is expected with this proposal.

Community Member 13:

- Undertook a property valuation 12 years ago and would like to know what it would be worth if the wind farm was built.
- There will be impact on property values.
- There is significant impact on 50 homes. Department needs to take into account the impact on the broader area.
- What compensation are we entitled to?
- Department:

- o These are complicated issues to deal with in law. It is for the Department to assess all the impacts on impacted properties and weigh them up.
- o If it is 1 or 2 properties impacted then the Department would look at the broader public benefits and consider agreements or acquisition. If it is many more that have a significant impact then the Department would consider the broader public interest and potentially recommend refusal.
- o There is no direct compensation.

Community Member 14:

- On the Community Consultative Committee.
- Not much confidence as there have been no refusals to date.
- If it is rejected, how many bites of the cherry can the developer have legally?
- Can the community take a decision to Court?
- Is that decision final?
- Department:
 - o The PAC will make the decision.
 - o Anyone who is dissatisfied with the decision (developer or community) can appeal merits of the project in the Land and Environment Court. The Court assesses the project from the start, hears all the evidence, including hearing from the community.
 - o If there is a court case, then the Court contacts anyone who made objections to see if they want to make their concern heard. That is why it is important to make a submission if you object.
 - o EPYC could change the project and put the amended project forward.
 - o The other type of review is administrative appeal which addresses failure of the process or an error in law.
 - o An application could go to a higher court only if there were errors on a point of law, however matters are usually settled within Land and Environment Court on a merit basis.

Community Member 15:

- Overall concerns and problems with the process.
- Concern that submissions made by the community will be given to the developer and that they get another chance to make changes
- Is there some sort of precedent with other cases in NSW e.g. Yass?
- Department:
 - o There are some assessments that are more subjective than others e.g. impact on landscape. In the instance of Yass, the part of the project closest to residences was refused. For that project the number of properties close to turbines was in the teens and the turbines were 157 m.
 - o The Jupiter project is at the higher end of the scale with 63 residences less than 2 km from a turbine, and 139 residences within 3 km.

Community Member 16:

- In favour of alternative energy
- Strongly believes that the development is not suitable for the area
- Are there a terms of reference for the PAC?
- If the PAC makes a decision, can the Minister overturn that decision?
- Do the Draft Guidelines apply?

- On noise this is not an industrial area, it is a rural and residential area. This place is very different to the broad acre farm areas in South Australia.
- Property values will be impacted.
- Crudine Wind Farm assessment report states that beyond 3 km there will be no visual impact
- Department:
 - o No terms of reference for the PAC. The PAC stands in the shoes of the Minister in making a decision in accordance with the requirements in the *Environmental, Planning and Assessment Act*.
 - o No the Minister cannot overturn the decision of the PAC.
 - o There are Draft NSW Planning Guidelines for wind farms. The Department received over 2000 submissions when it was exhibited and it will be finalised soon (*Postscript: Final Guidelines were released 19 December 2016*).
 - o These guidelines don't strictly apply for Jupiter wind farm. However, the Department considers a number of sources of information in its decision making, including principles set out in the guidelines.
 - o How the visual landscape and visual impact is described is always contested. The view is changed by wind farms and they can be visible up to 40 km away.
 - o The extent of the visual impact depends on the dominance of the wind farm and depends on the area, and the dominance on a particular residence.

Community Member 17:

- A host of a wind farm.
- They look better than having smoke stacks.
- People get used to them.
- Have there been any issues at any of the others sites across NSW?
- Department:
 - o A small sample have been built and there is no systematic research about issues. There is some research from the UK and it noted that people's attitude does change over time but no evidence that it changes one way or the other.

Community Member 18:

- Property borders 10km of the wind farm.
- Requested that hosts be referred to as "rent seekers".
- Moved into the area over 25 years ago and is located in the south end of the project and has 8,000 acres of land that has been landscaped over the last 20 years.
- Planned to spend rest of life there and now there will be 13 turbines directly in front of it (within 1km away).
- There have been a number of new houses built in the last 6 months along Braidwood Road.
- Will entitlements to build on 100 acre subdivisions be taken into account?
- When turbines are approved is there the potential to increase density of the turbines as seen at Capital wind farm?
- Department:
 - o The Department looks at existing residences, DAs approved and DAs lodged.
 - o The Department looks at dwelling entitlements but we have legal limitations on how it is considered.

Community Member 19:

- Appreciate time from the Department.
- The evening has shown community spirit and hopes that the Department takes this on board.
- Lives on Roseview Road and over the past 5 years the value of the place has increased.
- House will be 2.5km from 13 turbines
- EPYC did email us and met on site, saw the view from our home and told us to place a barrier on the deck so we wouldn't see the turbines. We never received a photomontage.
- We were offered benefit sharing scheme.
- Was the community consultation undertaken by EPYC appropriate?
- Department:
 - o The Department wants to speak with people located on Roseview Road
 - o EPYC undertook best endeavours to consult the community but the Department recognises that people are dissatisfied with the nature and extent of that consultation.
 - o It has taken a long time to get to this point and the process needed to be started and now it is over to the Department to assess and consider the merits of the project.

Community Member 20:

- 19 turbines within 2km of home and closest is 1 km away.
- The only place you can't see the turbines is from the carport.
- EPYC offered to put a noise listening device in the house.
- Our neighbours (hosts) don't reside in their homes, they live in Sydney.
- We have been advised that we cannot accept the benefit sharing agreement as the bank (as mortgagee) does not accept a burden on the land. If we sell the property, the person buying our land would have to take on the agreement with EPYC. We were offered \$7,000
- The photomontages are wrong and EPYC refused to provide them to us.
- EPYC have not contacted us since because we refused them accessing our land for photos.
- A number of children use the local school buses along Braidwood Road and the EIS does not take into account the public school buses that access a number of roads that will be affected e.g. Goulburn Road.
- Department:
 - o The Department would be interested in visiting properties such as yours to understand the impacts.
 - o The Department is concerned about impacts to school bus routes and will be looking at the issue in detail.

Community Member 21:

- Stated that law firms often do pro-bono work and to seek this advice out now.
- Who will take oral submissions? What if there is substantial new material? What consideration will be given to economic loss?
- Concern that proposal has been placed on exhibition with only a short period of time to respond. Is there prospect for an extended deadline? Will the independent experts be able to be present at town hall meetings?
- Department:
 - o There is an opportunity to contact Nicole Brewer for those requesting visits.

- o If there is substantially new material the Department will put it on exhibition.
- o Property values are important and will be part of the assessment; however there will be no compensation.
- o Experts will provide advice to the Department and not specifically to the community other than through their assessment.
- o The Department is not proposing to extend the exhibition of the EIS at this stage.

Community Member 22:

- What is the weighting of each submission?
- Department:
 - o The number of submissions is not a vote on the project.
 - o The Department considers the nature, extent and number of submissions in its assessment, and assesses each proposal assessed against 5 key issues in the legislation, one of which is the issues raised in community submissions.

Community Member 23:

- EIS failed to mention issue of traffic including bus routes
- Will the information from community meetings and CCC be taken into consideration?
- Department:
 - o Yes information from community meetings and CCC will be taken into consideration.
 - o Bus routes are a key consideration to be looked at in more detail.

Community Member 24:

- Lives on Mount Fairy Road
- Currently building new home
- There are no turbines this size in Australia so how do they know what is an acceptable noise impact?
- What will you do with the recording and notes from this meeting?
- Department:
 - o Site visits with the independent landscape expert will be fundamental to the assessment.
 - o Construction traffic is a key issue the Department will be looking at.
 - o Wind farms of a similar size are being built in other locations such as around Glen Innes.
 - o The noise impact is assessed against the criteria and will be considered by the noise experts. This advice will be made public through the assessment report.
 - o The Department wants to capture what is said tonight through the notes taken to highlight all comments and issues raised.
 - o The meeting notes will be made available on the website (*i.e. this document*).