

Andrew Durran

From: Andrew Durran
Sent: Wednesday, 22 October 2014 11:43 AM
To: Chris Wilson (Chris.Wilson@planning.nsw.gov.au)
Cc: Donna Bolton; Martin Poole; Andrew Wilson; Karen Jones (karen.jones@planning.nsw.gov.au)
Subject: Ltr Yass Valley WInd Farm
Attachments: ltr DPE re Process 22Oct14.pdf

Follow Up Flag: Follow up
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Chris

Its disappointing we feel the need to send this letter however it has been sent to Marcus and Carolyn today. We remain unclear on the progress, process, or in fact any material effort on the part of DPE to finalise this assessment and don't feel we should continue to be shunted because of other priorities or poor resourcing by the Department. Hopefully you can find this letter useful in getting some action, resourcing if needed, and a determination.

Regards,
Andrew.

ANDREW DURRAN, Executive Director

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Level 11, 75 Miller St
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Fax 02 9922 6645
22 October 2014

To: Marcus Ray
Acting Deputy Secretary, Planning Services
and
Carolyn McNally
Secretary

Department of Planning and Environment
22 – 33 Bridge Street
Sydney NSW 2000

CC Chris Wilson chris.wilson@planning.nsw.gov.au
Karen Jones karen.jones@planning.nsw.gov.au

Dear Mr Ray and Ms McNally,

YASS VALLEY WIND FARM

I am writing to express Epuron's extreme frustration at the way in which the Department has dealt with the Yass Valley Wind Farm application.

In August 2012 the Director General wrote to Epuron saying he was bringing forward the date for assessment and determination of all Part 3A projects, requiring lodgement of EAs by 30 November 2012 and a timeframe for response to submissions of 30 days. Despite having only recently re-acquired the Yass Valley Wind Farm project from Origin Energy (late July 2012) Epuron lodged the Preferred Project Report which responded to submissions and presented the preferred project by the deadline of 30 November 2012. This document was placed on exhibition from 14 December 2012 to 1 March 2013.

Nine (9) public submissions were lodged with the department. The Department provided these and agency submissions to Epuron in May 2013 and the response document - the *Preferred Project and Submissions Report* was lodged with the Department in July 2013.

Further information was requested by the planning officer and following completion of a response to this request the report was lodged again in December 2013.

Further information was again requested and a response was provided in a third update to the report which was lodged in May 2014.

Further information was again requested. Epuron requested a meeting with DPE and OEH to understand how to overcome the on-going delays. Site visits with OEH followed, further mapping was undertaken and all updates were provided to OEH and the Department by 13 August 2014. At this point Epuron was instructed by the Department not to resubmit the report for the final time until advised, without explanation. In the interests of getting to the end of this process somehow, we complied.

After Epuron asking to lodge the report on numerous occasions, the Department finally advised that we could lodge the report in early September and we did so on the 9th September.

The most recent correspondence with the relevant project officer has revealed that the Yass Valley Wind Farm project remains at the "adequacy review" stage of the Preferred Project and Submissions Report. I am unsure where this stage is in the Environment Planning and Assessment Act as this "adequacy review" in our understanding only refers to an Environmental Assessment and not a Preferred Project and Submissions Report. We have been attempting to lodge this report and make it available to the community, and individuals who made submissions since July 2013.

The Department's website notes the status of this application as "Proponent Reviewing Submissions". It has shown this status since May 2013 despite our repeated attempts to lodge our final report. The status implies that Epuron is extremely slow in responding. This is entirely inaccurate and misleading. We reviewed and responded to submissions in July 2013.

This "process" (and I use the word loosely) is completely unacceptable.

As a result of these ongoing delays by the Department the Part 3A status was unreasonably removed from the project and we now find ourselves also having to go through the PAC process with additional delays.

We have paid substantial planning fees for this application and we have no idea where we are in an unspecified ever-changing process with no date for the next milestone and apparent Departmental confusion about what the next action is. Some agencies have been asked to comment on our reports six times.

Despite numerous phone calls, we are no further ahead in understanding the status of this project. We are deeply frustrated at the lack of response to our calls and, more importantly, the lack of action on our project.

A recent email from the Department indicated that it is considering the report but is "very busy and cannot provide a date for the assessment". Neither can it provide a process which will be followed or indeed a next step.

The \$700,000 planning fee paid for this application is more than adequate for the Department to properly resource its assessment and it is unacceptable that we are still in this position.

Community consultation has been made unnecessarily challenging with both involved landowners and neighbours. It has been a mounting challenge to explain the delays and attempt to detail the planning process to the local community which seeks certainty and resolution on this application.

we require the Department to communicate with us. If the Department is following a process please advise what it is. We require information to enable us to understand the status of this project and in particular and understanding of when the Department will finalise its report and provide this to PAC (if that is indeed the route this project is heading towards). Please also advise when the assessment report and draft consent conditions will be provided to us.

I look forward to a timely response.

Sincerely,



ANDREW DURRAN

Executive Director

ph 0407 206 199

Yass Valley Wind Farm –

Correspondence with Department of Planning & Environment: May to Sept 14

Date	Action
5 May 2014	Preferred Project & Submissions Report (Rev 3) lodged
27 May 2014	Meeting with Department of Planning & Environment (DPE) to review outstanding issues
30 May 2014	Email to DPE (Toby Philp) seeking confirmation of process and any further outstanding issues
4 June 2014	Meeting with DPE and OEH to identify additional information required
17&18 June 2014	Site visit with OEH to review pasture classification & hollow bearing trees
20 June 2014	Email to DPE (Karen Jones) seeking confirmation of assessment process & timeline
24 June 2014	Teleconference with DPE (Karen Jones)
8 July 2014	Final infrastructure & vegetation GIS data provided to OEH (& DPE)
14 July 2014	Updated impact area calculations provide to OEH
Jul/Aug	Ongoing requests for right to submit a final PP&SR
3 September 2014	DPE (Karen Jones) consented to submission of final PP&SR
9 September 2014	Preferred Project & Submissions Report (Rev 4) lodged
15 September 2014	Email from DPE (Toby Philp) - The draft PPR submitted last week is being reviewed and assessment of the Application is being progressed.
16 September 2014	Email from DPE (Toby Philp) - “no definitive timeframe” for review and of PP&SR and assessment of project but “it could be a number of weeks.”
17 September 2014	Phone call to DPE (Neville Osborne) – No further information on timing or assessment process. Felicity Greenway is considering the project in Karen Jones’ absence.
22 September 2014	Email to DPE (Felicity Greenway) requesting clarification of assessment process & expected timing
30 September 2014	Phone call to DPE (Toby Philp) – Assessment is progressing. No update on likely timing of assessment. DG’s Environmental Assessment Report will be sent to PAC.
30 September 2014	Email from DPE (Toby Philp) – Project status on Major Projects Register won’t be updated from “Proponent Reviewing Submissions” to “Assessment” until completion of the latest draft PPR review.

In this same period and since numerous phone calls have been made to Toby Philp, Neville Osborne, Karen Jones, Felicity Greenwood and Chris Wilson. On a number of occasions these calls weren’t returned, and on others when calls were taken there was a commitment to call back which did not happen. The questions raised have not been addressed.