

LIVERPOOL RANGE WIND FARM Modification 3 (LRWFM3)

Thank you for the opportunity to make a submission to the LRWFM3.

I OBJECT to the modification.

There are many reasons for my objection but time and the unavailability of earlier attachments make a comprehensive objection impossible, so I will concentrate on a couple of major examples.

Firstly, I believe the original approval has lapsed.

I've documented a number of similar instances to the Department over the years.

In summary:

The approval was signed on March 27, 2018.

Both the version of the EP&A Act 1979 (the Act) in force then and the current version, state:

“A development consent lapses 5 years after the date from which it operates.”

The approval lapse date was extended for another 2 years due to covid.

The lapse date was therefore March 27, 2025; over a year ago.

UNLESS, as per the Act (current version):

“Development consent does not lapse for the following if building, engineering or construction work relating to the building, subdivision or work is physically commenced on the land to which the consent applies before the date on which the consent would otherwise lapse under this section—

- (a) the erection of a building,
- (b) the subdivision of land,
- (c) the carrying out of a work.”

OR, the version of the Act in force on the approval date:

“Development consent for:

- (a) the erection of a building, or
- (b) the subdivision of land, or
- (c) the carrying out of a work,

does not lapse if building, engineering or construction work relating to the building, subdivision or work is physically commenced on the land to which the consent applies before the date on which the consent would otherwise lapse under this section.”

No reasonable person would conclude, from the many sources available, that qualifying work had taken place, ie. that genuine construction of the LRWF had commenced..

This Modification Application & its Report confirm over and over that construction work has not commenced and is unlikely to for some years. The Modification Application is testament to the fact that the LRWF is still being designed and becoming more constructible. Please read the four pages of the Report Executive Summary. If that is not convincing enough, I suggest more research into:

- the Tilt website
- CCC minutes
- LRWF Newsletters

eg Newsletter June 2025

“Project field studies underway

You may have recently seen our contractors undertaking site investigations, property boundary surveys, and geotechnical investigations on Bounty Creek, Coolah Creek, Rotherwood, Vinegaroy and Yarrawonga Roads. These investigations are ongoing. The findings from this work will be used to inform the detailed design for public road upgrades, which are required before construction starts on the wind farm.”

The creative legal minds within the Department will once again come up with a reason to dispute the above (assuming the Developer doesn’t address the issue). I look forward to it. I hope the justification is not a SHAM, a descriptor used by Justice Kunc in the Supreme Court of NSW in 2016, on a matter solely concerned with the lapsing of a project when he wrote:

“ 58. It was submitted that, jointly and severally, the Relevant Works related to the subject matter of the Consent. The Relevant Works had been “physically commenced” because, applying Hunter Developments at [86] (see paragraph [82] below), they involved physical activity on the land to which the Consent applied that involved an appearance of reality and were not merely a sham.”

Another key issue barely addressed over the years by all parties including the Applicant, the Department and the IPCN is:

The Public Interest

The LRWF Assessment was published by the Department in Mid-March 2018.

The relevant parts of the EP&A Act in force at that time state:

“4.15 Evaluation

(cf previous s 79C)

(1) Matters for consideration—general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) (i) to (v)

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

(c) the suitability of the site for the development,

(d) any submissions made in accordance with this Act or the regulations,

(e) the public interest.”

From the LRWF Assessment dated March 2018, Page 16, the Department wrote:

“Section 4.15 Considerations

Section 4.15(1) of the EP&A Act outlines the matters that a consent authority must take into consideration

when determining development applications. These matters can be summarised as:

- the provisions of environmental planning instruments (including draft instruments), development control plans, planning agreements, and the EP&A Regulations;
- the environmental, social and economic impacts of the development; the suitability of the site;
- any submissions; and
- the public interest, including the objects in the EP&A Act and the encouragement of ecologically sustainable development (ESD).”

Why did the Department summarise

“the public interest”

into

“the public interest, including the objects in the EP&A Act and the encouragement of ecologically sustainable development (ESD)”?

Easy.

Neither the Applicant nor the Department can convince many of us that wind farms are in the public interest. It has given them the opportunity to bury the real issue under the waffle of the Act objects or even more so the drivel of ESD, as both of them do in the LRWF EIS and Assessment respectively.

The LRWFM3 Modification Report has a “Statutory Compliance Summary” (Appendix D)

It starts off with reference to a number of SEPPs, followed by some Guidance and an Act.

Most people would consider the EP&A Act the most important statutory document. So it finally appears with nearly 2 pages of waffle and drivel as mentioned above.

We lastly find reference to Section 4.15, where on the last line of the document we find

“the public interest”

for which we are advised:

“Refer to **Section 5.0**, **Section 6.0** and **Section 7.0**.”

In those sections, there is no reference to **the public interest**, so I guess you have to make your own list: a bit of money here and there, some gross job numbers....

So, there are some minor wind farm benefits that are in the public interest, but many more that aren't.

As each month goes by, the broader international issues will also negatively affect the public interest both nationally and locally.

- COP21 in 2015 produced the Paris Climate Agreement. It is going nowhere. The United States has pulled out, and China, India, Russia and others, as developing nations, were never Committed.

- COP30 was a disaster.

- COP31 will be worse, especially as it is being partly organized, negotiated and led by our very own Chris Bowen.
- Net Zero (by whatever date) will not succeed - anywhere.
- Renewable Energy will go onto the back burner worldwide while the focus returns to traditional energy sources.
- Australia may well become the renewable energy superpower as no other country is interested (partly sarcasm)
- Increased levels of Carbon Dioxide and the positive effect it is having on the environment will be recognized by more and more countries.

Finally, let us consider some of the impacts of renewable energy, especially wind farms, on NSW individuals and communities.

- The CWO REZ, which was supposed to be the model for the others, has been a disaster. I hope the locals, both lifestylers and farmers, repeat their objections on issues that have not been genuinely addressed or addressed at all. eg. the impact on property prices, especially lifestyle properties. Remember, if you have a plot that has existing residential rights, but no residence at this stage, it must be assessed for all the relevant impacts: visual, noise etc. (I have confirmation in writing from the then Planning Secretary). Those impacted by the new grid distribution lines: keep it up. Those that had plans to subdivide as part of a retirement strategy, keep voicing your correct opinion that you have been financially impacted by the LRWF and other planned developments.

All of us are impacted by the rising cost of electricity, which has a significant effect on just about everything.

All of us are affected by the subsidies and other financial contributions from all levels of Government. Why is our National Debt approaching 1 Trillion dollars? – partly because of the Federal, State and Local Government expenditure on renewables. We have wasted billions on failures. We were going to be the hydrogen superpower. Do you remember Snowy Hydro 2, or wave generation or tidal generation? Just from reports today, the Snowy 2 project is now expected to cost us \$42 Billion dollars (versus the original estimate of \$2 Billion).

All of us are going to be severely hurt by the world wide energy crisis. It is generally agreed that Australia is among the worst positioned of all countries, due in large part to our policies on what is fast becoming the climate change scam, with our 1 ½ refineries and ever diminishing fossil fueled generators and our lack of fertilizer production and its price. Stock up on baked beans.

I could go on and on about the lack of focus on **the public interest**.

I recommend that the department finally and genuinely addresses the issue.

Thank you
Anthony Gardner