

11th March 2021

Sharon Pope
Executive Manager – Environmental and Planning Services
Muswellbrook Shire Council
Muswellbrook NSW 2333

Complaint to Muswellbrook Council – Bowmans Creek Wind Farm Wind monitoring Tower

Dear Sharon,

I would like to lodge a complaint regarding a wind monitoring tower located on two rural lots (197/752444 and 199/752444) as described in the statement of environmental effects prepared by Hansen Bailey for Epuron Projects Pty Ltd (Epuron), dated March 2019.

The wind monitoring tower was installed in August 2018 see attached correspondence from Epuron and the National Wind Farm Commissioner that confirms the installation date and the temporary nature of the structure.

As of today, the wind monitoring tower is still in place. Therefore, the wind monitoring tower is no longer an exempt development under State Environmental Planning Policy (Infrastructure) 2007 as the tower has been installed for longer than the 30 months as defined in the SEPP.

The SEPP clearly states

“Development for the purpose of a wind monitoring tower used in connection with the investigation or determination of the feasibility of a wind farm that has a generating capacity of more than 1 MW is exempt development if—

- (a) it complies with clause 20, and
- (b) the tower—
 - (i) is erected in accordance with the manufacturer’s specifications, and
 - (ii) has a height of not more than 110m, and
 - (iii) is removed within 30 months after its erection is completed, and”

I ask that Muswellbrook Shire Council investigate this complaint and provide feedback to myself on the outcomes of the investigation and the request that Epuron remove the tower and enforcement action is undertaken by council.

Epuron are due to lodge the Bowman’s Creek Windfarm EIS this month and it is of great concern that they cannot comply with a simple legal obligation.

I look forward to your response.

Regards

Nigel Wood
1661 Sandy Creek Road
Muswellbrook, NSW 2333
Phone (02) 6543 5008
Mobile 0409 314 862

- (2) Development for the purpose of a wind monitoring tower used in connection with the investigation or determination of the feasibility of a wind farm that has a generating capacity of more than 1 MW is exempt development if:
- (a) it complies with clause 20, and
 - (b) the tower:
 - (i) is erected in accordance with the manufacturer's specifications, and
 - (ii) has a height of not more than 110m, and
 - (iii) is removed within 30 months after its erection is completed, and
 - (c) the site of the tower:
 - (i) is enclosed by a fence that prevents unauthorised entry to the site, and
 - (ii) is not within 100m of any public road, and
 - (iii) is not within 1km of any other wind monitoring tower or a school, and
 - (iv) is not within 1km of any dwelling except with the prior written permission of the owner of the dwelling, and
 - (v) is not within 500m of any State heritage item, and
 - (vi) does not affect a significant view to or from any such item that is identified in a conservation management plan (as defined by clause 3 of the *Heritage Regulation 2005*) for the item, and
 - (d) before the tower is erected, the Civil Aviation Safety Authority (established under the *Civil Aviation Act 1988* of the Commonwealth) is notified in writing of:
 - (i) the tower's "as constructed" longitude and latitude co-ordinates, and
 - (ii) the ground level elevation at the base of the tower, referenced to the Australian Height Datum, and
 - (iii) the height from ground level (existing) to the topmost point of the tower (including all attachments), and
 - (iv) the elevation to the top of the tower (including all attachments), referenced to the Australian Height Datum, and
 - (v) the date on which it is proposed to remove the tower.