OBJECTION TO CRUDINE RIDGE WIND FARM MODIFICATION 1
— A PROPOSAL WHICH REACHES NEW HEIGHTS IN BRAZEN EFFRONTERY

The CRWF developer is apparently aiming to set a new record for brazen effrontery.

This modification proposal is a fiction trying to hide a massive breach of current consent conditions, as well as trying by stealth to get approval for increased turbine size and blade length without explicitly requesting those increases. In addition, the request is an admission that the original EIS for the project was materially false and/or misleading and therefore constituted a breach of then section 148B(1) of the *Environmental Planning & Assessment Act* and possibly the *Crimes Act 1900*.

Following the decision of the Federal Department of Environment in April 2017, the developer has authority to build no more than 37 turbines, in defined locations. Any claim that the developer currently has authority to build more than 37 turbines is false and thus any calculation of purported reduction in environmental harm attributed to a modification request from 77 to 37 turbines is misleading and itself appears to be a breach of section 10.6 of the *Environmental Planning & Assessment Act 1979*, and possibly the *Crimes Act 1900*, and warrants investigation for prosecution.

This proposed modification will cause enormous environmental harm along Aarons Pass Road. In fact, the developer had already commenced the work until forced to stop by the NSW Department of Planning. It had removed about 300 trees along approximately 3 kms of Aarons Pass Road in a section where the PAC's consent conditions for the project authorised removal of 6 trees. So the developer has already done enormous environmental harm along Aarons Pass Road and now asks approval to replicate that all along almost 20kms of the road.

It is like a crook being caught robbing a bank who then asks the cops for permission to continue carting off the rest of the money in the vault they have broken open – on the grounds they wouldn't be stealing it unless they needed it.

The developer admits that it will cause much more environmental harm on Aarons Pass Road than it told the PAC in 2016 and which was part of the basis on which the whole project was approved. The developer claims that its vandalism along Aarons Pass Road should be approved because it is now going to do less vandalism on the project site itself.

However, the reason it is going to do less vandalism elsewhere is because the Federal Department of the Environment identified and expressly forbade that vandalism, after it was discovered that the developer had apparently provided DPE and the PAC with insufficient information for them to fully realise the extent of environmental harm in the proposal put to and approved by the PAC.

There is at least a question as to whether the failure to provide that information is another instance of providing false or misleading information in the planning documents presented to the NSW Government. Has the Department of Planning formally investigated that occurrence and the need for prosecution under the EP&A Act and/or the Crimes Act?

To return to our bank robber analogy, the developer's position is not only should it be allowed to continue cleaning out the safe but part of its justification is that it was previously prevented by another police force from succeeding with a much bigger robbery and it is only fair that it get to succeed in a smaller robbery.

It is clear from the developer's modification submission that it intends to use turbines of much greater power and much longer blades than identified in the original project proposal put to

the PAC in 2016. However, it has not deigned to formally ask approval for either increased turbine power or longer blades. It has apparently taken to heart Nike's slogan "Just do it" – though that slogan does not appear anywhere in NSW planning legislation.

It may be operating on the assumption that it is easier to ask for forgiveness (or a little fine) than for permission – an attitude which apparently motivated its attack on the vegetation along Aarons Pass Road, until alert locals encouraged DPE to pay real attention to the damage being done and intended.

The developer apparently wants to claim that the larger turbines and blade size it intends were somehow authorised by the PAC in consenting to the project, even though the EIS mentioned substantially smaller turbines and blades. If that approval covers the new turbine and blade size, then it looks as though the PAC was presented with false and/or misleading information on the matter, i.e. another breach of then section 148B(1) of the EP&A Act and of the Crimes Act for the Department to investigate. Alternatively, the approval did not cover the sizes the developer is trying to get onto the site and a formal modification request is necessary for both the increased turbine size and increased blade length, with a full and complete assessment of both and their total consequences.

In summary:

1. The modification proposal should be wholly rejected.
2. The developer should be required to lodge a modification application for increased turbine power and blade length if it wants anything greater than was presented in the original application.
3. Any comparison of environmental impact for modification proposals must be relative to the impact of the 37 turbines which the developer has a current legal right to erect.
4. The Department of Planning needs to open an investigation into multiple instances of apparent materially false and/or misleading information from the developer in:
    a. its original project EIS presented to the PAC; and
    b. this current modification request.
5. The Department of Planning needs to commission an independent investigation of consent condition breaches which have already been committed by the developer and any which may be in process, e.g. through ordering blades and turbines larger than approved under current consent conditions.