

To NSW Dept. of Planning 2. 5.2014

Submission re. Modified Development Application, Gullen Range Wind 'Farm'

From Dr John Formby, 'Hidden Valley' Sylvia Vale Rd Binda NSW 2583

1) I have a PhD in environmental policy analysis and many year's practical and academic experience in environmental impact assessment. I prepared a detailed submission on the Gullen Range EA, which, like many other submissions, the Department ignored in approving this project.

If the Department had properly recognised the problems pointed out by these submissions, the project should not have been approved with more than 60 dwellings within two kilometres of turbines, in a more closely settled area than any other wind 'farm' in Australia. This has led directly to the current problems. The Department must this time review the Modified Application with extreme diligence.

2) The repeated statements by the developer that 'the project is in an advanced state of construction' and that delays 'will affect its financial viability' are irrelevant to the question of whether or not approval should be given. Any retrospective approval by the Department will give the green light to other developers that they can do as they wish and seek approval afterwards.

3) The changes in turbine sites are illegal. The Land and Environment Court ruled that 'the project is modified to remove the ability of the proponent to relocate turbines from the location indicated by up to 250 metres without further assessment and approval'. This is crystal clear, yet the developer chose to ignore the ruling. That they allowed matters to proceed so far towards completion is a condemnation of their management, not a reason for giving approval.

4) It is also a condemnation of the Department of Planning and Infrastructure's 'oversight' of the project that the changes in siting were allowed. The Department was negligent in approving the appointment of an 'independent' Environmental Representative who was a director of a company working for the developer.

5) The developer has a history of disregard for planning procedures during implementation. Only when the development was more than half completed was permission belatedly sought to dig up several kilometres of public roads to lay high voltage cable underneath. The developer undertook to repair all roads to their standard prior to development but is refusing to repair adequately the extensive damage to Range Road, where negotiations appear to have broken down.

This history of unreliability extends to information provided by the developer. Much of the information provided by the developer in the original EA was shown to be incorrect or misleading. This failing extends to the current modified DA.

6) The developer's information on the proposed siting of turbines, the actual location of turbines and their distance from dwellings cannot be relied upon. Some residents have measured the distance from their homes and found it to be very different from that stated by the developer (see Knight's submission). Some affected dwellings do not appear to have been included at all. Therefore it is essential that the independent surveyor's review of siting should be made public well before any decisions are made.

7) Because this independent information on siting is not available, the period available for public comment should be extended until the public has had time to review the independent siting report.

The time for public comment should also be extended because the Application is an unnecessarily lengthy document and for anyone working the time available to review it is insufficient.

8) The developer appears not to understand the impact that even small changes in turbine location may have on the affected residents. It is ridiculous and irrelevant to use the justification that 'a relocation of 187 metres is only 1 percent of the total project's length.' When a turbine is less 1000 metres away, a relocation of 100 metres or less can make a great difference to visual and noise effects.

9) I can find nothing in the Executive Summary about the impact of relocation on land values. As with 8) above, relocation of 100 metres closer when one or more turbines are already close will make a distinct difference to land values and, importantly, to the availability of any potential buyers at all. It has become obvious that even at a large discount some properties close to turbines are virtually unsaleable.

10) It appears that the consultants used for studies such as noise are mostly the same as were used in the original EA. They are therefore most likely to support the conclusions that they have reached before, that are convenient to the developer who is paying them, and that were subject to extensive criticisms in responses to the EA.

Despite the denials of noise problems, some residents are already affected by noise from turbines. The latest work done by the consultants does not seem to include visits to the sites and affected residents, but is based on the theoretical specifications of the turbines. This is completely inadequate.

11) The developer cites the reports of the NHMRC and the AMA on the noise effects of wind turbines on health without acknowledging, as they should, the limitations of these reports or that they have been subject to a great deal of informed criticism.

12) The photomontages used to purportedly represent the visual aspects of turbines have been recognised as having little relationship to actually viewing a turbine in three-dimensional reality. Further, the backgrounds used are usually of a more neutral colour than an actual blue sky. Yet these are again used by the developers to claim that the visual differences due to changed sites are insignificant. This kind of misdirection extends to the cover of the Modified DA where a foreground of very close cows is shown against distant turbines partly concealed by a hill.

Conclusions

The only way to proceed which is fair to those affected by the developer's failure to site almost all turbines correctly is to institute an independent inquiry. The Department cannot fairly make the decisions on approval, as it is compromised by a) its pro- wind turbine development bias evident from its past conduct: b) its approval of the Gullen Range development in such an unsuitable area in the first place c) its failure to monitor compliance and d) its appointment of an unsuitable Environmental Representative. Further, the Modified DA cannot be fairly used as the basis for any decisions, as the information provided by the developer and by the consultants has been shown not to be reliable. Nor do members of the public have the resources to comment adequately on the failings of the modified DA. A fresh look at the evidence by constituting an independent inquiry is therefore needed.

An independent inquiry could be confined to a review of the impacts of the mis-siting of each turbine. But this would be insufficient. It has only been possible to refer to a small part of the planning and assessment failings of this development in the above. What is needed is an inquiry

with wide terms of reference into the whole process of planning and implementing this project, in the interest of improving future planning and reducing the likelihood of another such planning and management failure as the Gullen Range Wind Farm development.