

7 April 2017

NSW Government
Planning & Environment
Major Projects
Dalton Power Project

Dear Sir / Madam

SUBJECT: OBJECTION TO AGL'S APPLICATION TO EXTEND LAPSE DATE BY 2 YEARS

I object to AGL's application to extend the lapse date of the Dalton Power Project (DPP).

Summary

I am writing to inform you of my objection to AGL's application to extend the lapse date of the Dalton Power Project (DPP). I, like many new property owners in Dalton, purchased my property with no prior knowledge of the DPP. This means that we did not contribute to the consultation process way back in 2011 /12. This was a very long time ago for planning purposes. The community of Dalton has moved on especially after AGL's public statement in October 2012 that they were suspending all work on the DPP. I am strongly of the view that AGL should not be permitted to unilaterally extend the lapse date of the DPP as there are important new environmental, community and socio-economic factors that need to be considered. Further, "the utilisation rate of gas generators has fallen to 15 per cent. Given this very low utilisation rate it is not justifiable to build a new one and distract the local community....we need to focus on increasing the utilisation of our existing gas generators to contain upward pressure on prices" (per Federal Liberal Minister and member for Hume Angus Taylor on 5 April 2017). Hence, any further consideration of this project by AGL should only be addressed via a new application process and under the legislation and rules with which new proposals are considered, not questionable legislation (now repealed) under which the original project proposal was approved.

My circumstances and concerns:

I am the owner of Lot 37 Brown Street (also known as Lot 37 Loop Road) Dalton (Lot 37 DP754111). My property is 3 kilometres from the DPP and has direct line of sight of it when looking towards the north. I purchased the property 1 year ago with no knowledge of the DPP. I have made significant improvements to the land by adding low voltage electricity via the installation of a transformer and associated wiring. I have also applied to council and have been granted approval to build a house for my family. I have also signed a contract with a construction company for the acquisition and delivery of a kit home. My total expenditure is significant. I incurred all these costs without any knowledge of the proposed DPP. It therefore came to my utter shock and disbelief that AGL were seeking to build a massive gas powered and polluting power station within 4.5 kilometres of the centre of Dalton where a community lives, where kids attend school, where kids play in the local

parks and farms, where kids ride their horses, where families congregate at the local pub after a hard day's work, where families live to breathe in the fresh air and escape the noise of city life, and where people have worked a lifetime to acquire their homes and farms.

From all the extensive research I have performed into the Uranquinty Power Station it is very safe to say that my family and I will be exposed to at least 40 decibels of noise pollution. I understand this is equivalent to living next to a busy road. It is safe to say that our windows and doors will rattle from the vibrations caused by the DPP. It is also important to remember that the Uranquinty Power Station is much smaller than the proposed DPP (ie 640 megawatts versus 1,000 megawatts). The Dalton experience will be worse and will lead to Dalton becoming a 'ghost' town. Further our street (ie Loop Road) will turn into a thoroughfare for trucks during the 4 year construction period and once the station is built our street will become the access road into the DPP. On top of that, we will be able to clearly view the DPP from our balcony and the windows of our bedroom, living room and kitchen. I have it on good authority from the local real estate agent that my property is now not sellable. I have suffered a significant financial loss.

I fully appreciate that NSW needs to have energy security. But we don't need to see a community wiped out and for people like myself to become the by-product of a larger debate and agenda. Disappointingly AGL has to-date not made any statements about compensating people like me who have suffered financial losses and put the construction of their homes on hold at significant cost both financial and emotional.

Surely there is another way to secure NSW's energy security without continuing to resort to polluting power stations. If they are really needed, surely that can be placed in remote locations – the Moomba gas line to be used by the DPP runs for 1,000 kilometres all the way into the remote north eastern corner of South Australia. As a first step, we need to focus on increasing the utilisation of our existing gas generators which are running at a very low utilisation rate of 15 per cent per MP Angus Taylor (5 April 2017).

We fell in love with Dalton as it represented the cultural heritage of modern Australia and we never would have thought that it would be treated with such neglect. Dalton was growing and thriving with many new recent residents. Dalton should be preserved not polluted.

Further specific concerns:

There are reasons why lapse dates are in place in planning consents that makes it important to enforce time limits. These include advances in planning laws and policy, changes to environmental risks, changes in available technology, changes in market circumstances, and changes in the demographics of communities. All of these changes overtime erode the validity of the original Environmental Assessment.

The DPP is a transitional Part 3A project. The Planning Assessment Commission granted AGL Energy Ltd project approval for the construction and operation of the DPP under Part 3A of the Environment Assessment and Planning Act 1979. The approval was given on 19 July 2012. Part 3A was repealed in 2011. Further in October 2012 AGL publically suspended its plan to construct the plant. It is ludicrous that the NSW Department of Planning & Environment is being asked to consider extending the time this project can be allowed to commence given our Governments have long since repealed Part 3A as flawed planning legislation. AGL has had 5 very long years within which to commence construction. Further the original approval was based on reports which are well and truly out-dated, two of which were discredited a long time ago.

AGL say they want a delay to look at a 'substantial modification' to the project. They say the increased supply of unreliable renewable (wind and solar) in the electricity market increases the need for rapid response open cycle gas fired generation. This is a real concern as the original application argued it would only operate in periods of peak demand – not when renewable are unavailable, for example on still nights.

AGL seeks to modify the project approval to extend the lapse date for a further two years to enable "AGL to review the DPP in line with current technology and energy market circumstances". Allowing AGL to review the DPP to assess "current/new technology" would be a shift away from the original approved proposal that clearly stated the technology to be used. An action to introduce different technology, including more advanced turbines could substantially change the impact on the community and the environment than was stated in AGL's original submission and in AGL's responses to objections raised by the community at the time. Consideration of "current/new technology" should only be considered via a new DPP application process and under the legislation and rules with which new proposals are considered, not the legislation (now repealed) under which the original project proposal was approved.

There are new environmental concerns. The area has recently been identified as an environmental hotspot with the recent finding of the southern pigmy perch and the yellow spotted southern bell frog in our water ways. The frog was thought gone for thirty years. A power plant will surely threaten these two endangered species. Therefore the environmental impacts of the DPP now are significantly different.

Also AGL suggest that the DPP could fill the gap of base load power caused by the decommissioning of Munmorah and Wallerawang, and AGL's announced withdrawal of 2000 MW of generation from Liddell in 2022. This is exceedingly alarming. When consulting with the public during the Environmental Assessment process AGL made public statements that the power plant would be operating very occasionally – 320(?) hours a year (3-4% of the time). AGL is seeking an extension of time by saying that things have changed. It is precisely because things have changed that it is not in the public interest for the DPP to proceed.

In the AGL request to extend the lapse date it is stated that “In October 2012 AGL announced the suspension of construction of the DPP due to difficult market conditions - including lower demand for electricity”. AGL has had five long years within which to make a decision to start building the power plant and it has chosen not to in this time. They have had 5 years to continually assess and consider changing market conditions. AGL is seeking an extension on the basis that things “could” change from this point on, rather than what changes have occurred in the last 5 years. AGL is seeking an each way bet on the future and with it keeping a dark cloud hanging over our community causing anxiety, fear and stress.

Importantly, there have been significant demographic changes to the region since October 2012 when AGL publically announced the suspension of the DPP. A subdivision has gone ahead in close proximity to the proposed site and there are approximately 36 new impacted people in the community. Families including myself have acquired properties in Dalton with no knowledge of the proposed plans by AGL. Further people have made financial decisions about buying property and building in our community since AGL’s public announcement in October 2012 to suspend the DPP project. Therefore new families have chosen to live in Dalton like ourselves who were not aware of the DPP and therefore were not part of the original application and consultation process in 2012. An extension of time for AGL would only serve to leave a cloud of concern and fear hanging over the new community members for the next two years. It potentially has significant financial, economic and environmental impacts on them that they were not warned about. If the DPP is built those families will end up with property that is worth much less than what they paid for it and borrowed to buy it. In fact, a local real estate agent advised the community on 5 April 2017 at the community consultation meeting with AGL that their properties are now not sellable as the DPP is back on the agenda.

AGL seeks to modify the project approval to extend the lapse date for a further two years to enable consultation with the local community, landholders and other stakeholders. AGL claims it wants to be a “trusted and respected member of the communities in which it operates”. It claims it wants to engage beyond baseline regulatory requirements. However AGL has shown no commitment to the community in the last five years. I have had no contact from AGL even though I own property in Dalton. AGL is a landowner here yet it has contributed nothing to the Dalton community since becoming a landowner here. AGL has shown complete disregard for its obligation to care for the land it owns. AGL has failed to control noxious weeds on its lands. The invasion of native plant communities by exotic weeds threatens our native plants and animals and it threatens the livelihoods of our farmers (AGL’s neighbours). Also, at the community meeting in Dalton on 23 March 2017 no one who attended had received any notification or engagement from AGL. In fact one of the members of the original community group that opposed the development in 2012 only found out when he was contacted for comment by the Goulburn newspaper. Further at the community consultation meeting held on 5 April 2017, AGL representatives apologised to the community for not interacting with them or keeping them update to date over the last 5 years on their plans. This does not signify to me that AGL has any intention to engage meaningfully or in a good and fair way with the local community.

Further and significantly in relation to AGL wanting to be a trusted and respected member of the community, it has not gone unnoticed that AGL were fined a total of \$124,000 in the

NSW Land and Environment Court in January this year for failing to declare political donations. AGL pleaded guilty to 11 counts of breaking political disclosure laws between January 2008 and April 2014 as such actions can attract incarceration. These donations relate to when AGL was seeking approval for planning proposals including the Dalton power project. This penalty was the largest issued since the provisions were introduced in 2008. Accordingly, AGL are neither a trusted nor respected member of the local community.

Lastly and importantly, as stated by Federal Liberal Minister (and member for Hume) Angus Taylor on 5 April 2017, the utilisation rate of gas generators has fallen to 15 per cent. Given this very low utilisation rate it is not justifiable to build a new one and distract the local community. My view is that AGL has the option to buy an existing gas generator rather than build a new one. This strongly implies to me that AGL have much bigger plans for the DPP in the longer term once they shut down their 'baseload' station in Liddell in 2022. AGL have already raised the concept of a MOD2 which they have intentionally held back in defining at this point in time. As AGL are not a trusted nor respect member of the community, it is strongly conceivable that the DPP will ultimately be operated at much greater capacity than stated in the original application. This is a real fear and significant concern for the communities of Dalton and Gunning, and their residents.

Conclusion

As outlined above, I object to AGL's request to obtain an extension of time for commencement of the Dalton Power Project. Any further consideration of this project by AGL should only be addressed via a new application process and under the legislation and rules with which new proposals are considered, not the legislation (now repealed) under which the original project proposal was approved.

Yours sincerely

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