

6 April 2017

NSW Government  
Planning & Environment  
Major Projects  
Dalton Power Project

**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).

*I am writing to inform you of my objection to AGL's application to extend the lapse date of the Dalton Power Project (DPP) on behalf of the communities of Dalton and Gunning. 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. 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process and under the legislation and rules with which new proposals are considered, not the legislation (now repealed) under which the original project proposal was approved.*

For the last 5 years, I have been a resident of nearby Bevendale and a community member of Dalton NSW. The people of Dalton and Gunning have had the nightmare of the largest open cycle gas fired power station in eastern Australia on their door step for 5 years now. It is unfair and bad policy to extend the uncertainty and associated stress and anxiety in the community any further.

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 DDP 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 Part 3A was repealed in 2011.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 Department of Planning & infrastructure 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asked to consider extending the time this project can be allowed to commence given our Governments have long since repealed Part 3A as flawed planning legislation.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 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.

The environmental impacts of the DDP now are significantly different. 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 for the community as the original EA 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.

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 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.

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 have moved here with no knowledge of the proposed plans by AGL. 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 our community. 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 did not foresee or were warned about. If the DPP is built those families may end up with property that is worth much less than what they paid for it and borrowed to buy it.

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. 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 the 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 with the local community.

Further 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. 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.

### **Conclusion**

As outlined above I urge you to object to AGL's request to obtain an extension of time for commencement of the Dalton Power Project.

Yours sincerely

