

Dalton Power Project MOD 1

Personal Submission From John Edwards Of Walshs Rd Dalton

To The NSW Department of Planning & Environment

My name is John Francis Edwards and I reside and run a farming business with my wife Maryanne Johnstone at 343 Walshs Road Dalton NSW 2581. Our farm is located immediately across Walshs Road from the Dalton Power Project site. I would like to convey my strong objection to the application from AGL to modify the Project Approval (Mod 1) for the Dalton Power Project to extend the lapse date for a further two years to 19 July 2019. My strong objection is based on a number of factors, outlined as follows

Personal - Stress/Hardships/ Financial Burdens/Continuing Uncertainty

In 2009 my wife and I purchased a 189.80 ha farm at 343 Walshs Rd Dalton NSW 2581. We purchased the farm as a place of business and residence for when we retired from our then employment in Bathurst NSW. The business was needed to provide us with post retirement income and the residence we hoped to build would allow us to live on the farm close to our business and close to our four children who lived in Canberra and Goulburn respectively. Our retirements were intended for the end of 2012 with the move to Dalton to take place as soon as possible thereafter. In the process of purchasing the farm, we were advised by the real estate agent that AGL had purchased a property across the road and that we should check whether AGL had any plans for their property which could impact on our use of our intended purchase. We duly instructed our solicitor to make all the relevant checks before making any decision to purchase. All checks returned clear, however, we decided as an additional measure of prudence to contact AGL ourselves and to also contact the local Council (The Upper Lachlan Shire Council) for any information on any proposed project use of the AGL property. We were informed by AGL that the company owned many properties throughout NSW and that there were no project intentions for the Dalton property. Our check with Council advised us that Council was unaware of any proposed project from AGL for their Dalton property. Given the all clear from our checks we proceeded with the purchase with contracts Exchanged in July 2009 with Settlement in September 2009.

In 2012 on one of our visits to the farm, we became aware that AGL was seeking approval to build a Gas Fired Power Station at their Dalton Site. We contacted AGL to ask why we as a neighbour had not been informed about this proposal and any further information on the project. AGL indicated that they would send a representative out to our farm to visit us to provide us with information on the proposed project. The representative duly came and among other things informed us that AGL had tried to contact us and had three letters stamped 'Return to Sender Not Known At This Address 'to prove that the notifications had

been sent. Further, AGL informed us that as a consequence of our failure to respond that under the planning legislation we were in the words of the AGL representative to remain 'forever silent and unable to participate in any way in the assessment of the proposed project'. We indicated that we did not receive the information because we were not resident at the farm at that time and that all our correspondence at that time was sent to our Bathurst address. The AGL representative indicated that this made no difference and that AGL had discharged its obligations and could prove that it had done so. This was the first and last contact we have had personally with AGL. In terms of our participation in the development proposal, I did seek to appear before the Planning Assessment Commission hearing in Gunning and was allowed to address the Commission where I outlined our opposition to the proposed development. Notwithstanding our opposition and the opposition of many others, the Dalton Power Project was Approved with a lapse date of 19 July 2017.

The impact of the Approval in 2012 of the Dalton Power Project on us has been profoundly negative. The farming land has become largely worthless in terms of resale. Persons do not want to own a farm immediately adjoining a power station site. We are unable to build a house on our property as if it becomes unliveable, as we have been advised has happened at sites such as Uranquinty, we would have limited redress as we would have built the house knowing that there was Development Approval for a power station immediately neighbouring us. We cannot sell the farm because of its limited market value as a neighbour to the Power Station and we cannot build a house for the same reason. We now also cannot move elsewhere because we have to work the farm for our income and we are not in a financial position to simply walk away. As a consequence, for the last five years we have had to work the farm and continue to invest in it in a most uncertain climate and all the while live in very primitive conditions as we are unable to address our housing needs as outlined above. I contend that it is grossly unreasonable to ask us to continue to experience this uncertainty and financial hardship for a further two years while AGL considers its options as outlined in its Application to extend its lapse date. In the event that a further two years is approved, we would have been negatively impacted from the date when it became known that AGL was seeking to build a power station at Dalton until sometime after the completion of the power station when legal redress would have presumably been at least initiated. With the two year extension, the period of uncertainty and harm would extend out over ten years or more. This is plainly unjust and unreasonable and as such I object strongly to the proposed extension.

Responses to AGL's Stated Justifications In Their Application To Extend The Lapse Date.

Legal

The legal framework under which AGL is seeking its modification is under Part 3A of the EP&A Act. This legislation was widely seen as defective to good planning and as such was repealed after an election where this legislation was criticised in extensive detail. While one

can understand that it was preserved to allow projects already Approved under Part 3A to go ahead to avoid planning and development chaos, it plainly is not required in the AGL Dalton Power Project application. It clearly was never the intention to allow development proponents to use the preservation provisions to extend their existing development approvals and thereby escape proceeding under the current legislation which was enacted to overcome the accepted serious deficiencies of Part 3A. I do not believe that AGL have outlined any reasonable explanation for why they need to operate under Part 3A rather than submit a new Development Proposal under the current and much enhanced planning legislation. AGL have indicated that they want a further two years to review and update their proposed project, surely this ought to be done under current legislation rather than under legislation that has been repealed because of its gross inadequacies.

Importance Of The Project – Change in Market Conditions

I concur with AGL that there have been significant changes in market conditions in the period since the date of Approval in 2012. I would contend therefore that this is a strong argument for why the project should be re-examined by the community under current planning legislation and not simply proceeded with or not because of a unilateral review conducted by AGL on bases only determined by AGL. Significant changes in market conditions in relation to all projects and especially to 'important' ones, ought to be considered in relation to those changed conditions and not on the basis of research, analysis and outcomes considered and achieved five years ago and more in a very different market and situational context.

Improved Efficiency, Flexibility and Greater Community Consultation

AGL argues that *'since the original EA was prepared, energy technology has evolved, resulting in greater efficiencies. For example, the current Project Approval requires 'F Class' turbines to be used. This fails to take into account new and efficient technologies, such as 'fast start' aero derivative gas turbines. ...'* Surely this is a persuasive argument for why the Proposal should be reconsidered by current planning legislation and not a reason to continue under former discredited and repealed legislation. There are good reasons for why development approvals are only for five year periods which is in itself two years longer than the life of a federal government and one year longer than a state government in NSW serving its full term. Five years is more than enough time for a developer to act on an Approved Development.

Professor Andrew Blakers, director of the Australian National University's Centre for Sustainable Energy Systems, in a report recently completed, released and reported upon in the media concluded that by 2020 wind and solar photovoltaic, supported by pumped hydro storage and linked by high – voltage interconnectors, will be decisively cheaper than new coal or gas and thereafter there was simply no future for fossil fuels. Professor Blakers has been reported in the media as saying Australia's electricity market could reach 100 per cent

renewable electricity with high reliability and at zero net cost within a decade. Whether Professor Blakers is correct or not, his report only emphasises the need to reconsider the

Dalton Power Project in the context of 2017 and beyond and not from the perspective of 2012 and before. The consideration should clearly be one in which the community is involved under current protections and laws, not simply determined by AGL and its chosen level of community involvement through an extension to the old Part 3A Approval.

A further note of interest in relation to this context emerged at the meeting with local member Pru Goward at the Dalton Hotel on Monday April 10. Ms Goward told the meeting that it was her understanding that there would be no gas available from the pipeline at Dalton from next year (2018) for the Dalton Power Project and that alternative gas supplies would have to be found. Ms Goward was not absolutely certain of this but indicated that discussions within the NSW Government over recent years led her to believe that this would likely be the case. The whole Dalton Power Project in its Development Application was reviewed within the context of the ability of the Project to use gas from the pipeline and if this is not the case then this would constitute another substantial reason for reconsidering the whole project under current planning laws.

Greater Community Consultation

AGL claims in its submission that *'additional time will enable AGL to recommence engagement with the local community ...'* Later their submission notes

'AGL's approach to engaging with the community is outlined in our Community Engagement Policy. We seek to:

- *Be a trusted and respected member of the communities in which we operate*
- *Engage beyond baseline regulatory requirements '*

Even in the post truth world in which we currently reside, we do have to face some truths, uncomfortable though they may be. The total lack of any meaningful consultation to date has so alienated the community that the Upper Lachlan Shire Council at an Extraordinary meeting on the evening of Monday April 10 unanimously passed a resolution supporting an objection to be registered to the extension sought by AGL. No councillor, not a single one, spoke in support of AGL's application. AGL spokesperson Tony Chapple addressed Council for some time from the perspective of AGL and answered questions put to him, but no-one supported the position he outlined. At the meeting convened by AGL in Dalton on Wednesday April 5, 2017, outside of AGL personnel, not a single person spoke in support of the proposal. A continuing theme at the April 5 meeting was the failure of AGL to be involved in any meaningful consultation with the community. As a neighbour bordering the AGL site, I had to find out about the meeting by the community in Dalton opposing the extension. AGL noted that it might have sent some invitations to email addresses that were no longer current, I cannot tell whether this was correct or not, but I do know that I checked

my post regularly (the same address which AGL used to disqualify me from the process in 2012) and no invitation was to be found. AGL says that it will do better in the future but on past and current experiences this claim holds zero credibility. Much more could be said on the lack of community consultation but if what is already said and is a matter of public record does not suffice to discredit AGL's claims, then nothing more could do so.

In respect of AGL's claim that it wants to be a trusted and respected member of the communities in which they operate, let the reported record show from a short internet search that

- On May 21 2013 the Federal Court ordered by consent that AGL Sales PTY Ltd and AGL South Australia Pty Ltd pay combined penalties of \$1.555 million for illegal door to door selling practices.
- On April 29, 2015 the Federal Court ordered AGL South Australia Pty Ltd (AGL SA) to pay penalties of \$700,000 and to offer refunds totalling approximately \$780,000 to 23,000 consumers for making false or misleading representations about the level of discount residential consumers would receive under AGL SA's energy plans, in proceedings brought by the Australian Competition and Consumer Commission
- On January 12, 2017 AGL was fined \$124,000 in the NSW Land and Environment Court for failing to declare thousands of dollars in political donations while it was making planning applications including the application for the Dalton Power Station.

The reported record is not good. It simply beggars belief that AGL could possibly consider it appropriate to seek an extension under Part 3A when it has such a reported record. It would be even more incredible if this application for a two year extension was approved. It is also noteworthy that the AGL spokesperson at the April 5 meeting in Dalton told the meeting when this matter of January 12 was brought to light by a speaker, that AGL staff had discussed prior to the meeting whether it was appropriate for AGL to disclose this themselves at the meeting but had decided not to do so. Surely AGL in rebuilding its reputation in the community would be better served by being transparent and making a new application if they decide the Dalton Power Project is important to AGL and to the community.

Increased Private Sector Investment Consistent With Government Policy

It is not government policy to pursue dated developments not considered in today's and in the future's context from the understandings and information now available. The energy policy of the last decade or more has produced today's problems, it certainly is not wise to stick with dated approvals to address the challenges of today and into a future being shaped by changing regional, national and international concerns as well as by changing technologies and markets. The planning legislation under which the Dalton Power project was Approved is no longer Government policy and the offending Part 3 A legislation has

now been repealed. We can do much better than 2012 and before and the health and wellbeing of our communities obviously depend upon that improvement.

Socio- economic benefits

No one I am aware of has been swayed by the supposed economic benefits held by AGL to be an outcome of the Dalton Power Project. The locals and the Upper Lachlan Shire Council have been so unimpressed by these supposed benefits that support for the project has been non-existent. This is truly extra-ordinary for a project that claims it will spend such vast sums in its completion. Australia, the State and the local region could obviously derive benefits from properly considered, relevant energy projects that address our current and future needs but there needs to be analysis of such proposals in the current context under existing laws. Good energy projects can drive a vigorous economy but dated ones that don't address current needs do not fall into this category. Dated projects based on superseded technologies and significantly changed contexts only perpetuate problems and leave costs for future communities to grapple with which ought never to have been incurred in the first place.

Conclusion

There are very serious and substantial personal and situational reasons for objecting to the proposed extension of Approval for the Dalton Power Project. Individual residents, the local community and the Council all oppose this extension for many varied and justifiable reasons, a number of which are outlined above and others which have been made in other submissions. I would ask that the Department advise against the application sought by AGL as a matter of justice, of legality, of reasonableness and for good planning requirements that are designed to ensure that appropriate developments proceed and that ones that do not meet reasonable criteria are denied.

Thanks

Thanks for the opportunity to submit a case and to be heard as opposed to the view of AGL that I should be forever silenced and not heard in relation to this matter in which I obviously have a legitimate interest.

John F Edwards
343 Walshs Rd
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April 12, 2017.