

**SUBMISSION RE: MODIFICATION TO PROJECT APPLICATION –**

**GLEN INNES WIND FARM**

**MP07\_0036 MOD 1 – MODIFICATION TO PROJECT APPLICATION**

It is my opinion that the Development Approval for the Glen Innes Wind Farm has already lapsed.

Upon becoming aware of Glen Innes Wind Power Pty Ltd's (GIWP) request for a 1 year extension to their approval for the Glen Innes Wind Farm, legal advice was sought which has confirmed that the approval for the Glen Innes Wind Farm has lapsed (lapsed on or about 2<sup>nd</sup> October 2012 – approximately 10 months prior to the extension request) and therefore the Director General has no power or authority to grant the extension requested of 1 year, and accordingly, we object. Also GIWP, in their extension request confirm that they have not complied with their Development Approval.

For the benefit of the Director General, we also provide the following comments on GIWP paperwork in relation to their extension request.

GIWP letter of 26th July 2013

- (i) It is nearly 4 years since the development approval and GIWP has confirmed in its letter of 26 July 2013 that it has not complied with the conditions of the Development Approval.
- (ii) The Development Approval granted on 2<sup>nd</sup> October 2009 does not comply with the requirements of the December 2011 NSW Planning Guidelines Windfarms (Draft).

In particular, the following wind turbines which are within 2 km of residences who have not consented to them should have been removed or relocated so that they are not within 2 km of these residences – Turbine numbers 15, 16B, 16C, 17, 19, 21B, 22B and 20B.

- (iii) The Wind Farm does not have the support of the Glen Innes Severn Council as the Development Approval of 2<sup>nd</sup> October 2009 did not comply with the Glen Innes Severn Council's DCP for Windfarms.
- (iv) The Wind Farm does not have the support of any non-windfarm residences who reside within 2 kilometres of the Wind Farm.
- (v) The Wind Farm does not have strong community support as attested by the petition of over 600 signatures objecting to the Windfarm tabled in the NSW Parliament.

Also the press release referred to by GIWP in their letter of 26 July 2013 was not attached to it.

### **Completed NSW Planning Guidelines Windfarm Checklist**

(i) Rates:

GIWP state that the windfarm will result in increased rates – reduced property values resulting from the Windfarm will result in reduced rate revenue.

(ii) Consultation:

It is approximately 4 years since the Development Approval was issued and no community consultation committee has been established.

It is approximately 4 years since the Development Approval was issued and no committee has been established to develop, manage and monitor the Community Enhancement Program.

(iii) Landscape and Visual Amenity and Noise:

GIWP state that they removed three turbines as a show of goodwill – this is incorrect, only 1 turbine has been removed as a goodwill gesture, and two turbines in total.

- Only two turbines have been removed
- one turbine by the Department of Planning as an approval condition (GIWP tried to have this turbine reinstated but was unsuccessful), and
  - one turbine as agreed between GIWP and Glen Innes Landscape Gardens, due to concerns about noise and visual amenity issues.

(iv) Health:

To our knowledge no documents have been prepared by GIWP focusing on health issues for residents of dwellings within 2 km of proposed wind turbines.

Industry reports in relation to health issues are not acceptable – Independent Expert Reports must be obtained if conclusions are to be drawn that no health issues exist.

(v) Aviation:

GIWP states that the wind turbines will have no effect on neighbouring properties in relation to aviation spraying. This is incorrect. The development approval

acknowledges that there will be an effect and states that GIWP must compensate neighbouring properties for any additional costs incurred in aviation spraying due to the wind turbines.

(vi) Economic issues:

GIWP states that there is no negative impact on property values and third party reports from valuation experts have attested to this – this includes properties within 2 km of the windfarm.

To our knowledge no document has been provided by GIWP which considers the potential negative impact upon property values including properties within 2 km of the windfarm.

(vii) Decommissioning:

To our knowledge the funding of the decommissioning of the wind turbines has not been addressed in the DA document.

(viii) Council planning controls:

This project is not in accordance with the Glen Innes Severn Council's DCP for Windfarms.

GIWP Letter of 29 July 2013

GIWP in their letter of 29 July 2013 make the incorrect statement that the Glen Innes community has been supportive of the wind farm – the Windfarm as approved does not comply with the Council's DCP for Wind Farms in the Glen Innes area – (viz: Windfarm turbines cannot be within 2 km of houses), there is still very strong opposition from residents who reside within 2 km of the wind turbines and strong community opposition as attested by the petition of over 600 signatures objecting to the Wind Farm tabled in the NSW Parliament.

This project clearly does not have the full support of the local community and as you are aware the approval for this project was challenged in the Land and Environment Court.

Although GIWP's extension request is invalid, it is very disappointing that it was made at short notice. Clearly GIWP, based upon the reasons outlined in their letter of 26<sup>th</sup> July 2013, knew well prior to the 26<sup>th</sup> July 2013, that they were intending to seek an extension. This late request by GIWP has unreasonably forced the Department of Planning and Infrastructure to only allow a 16 day submission period (when up to one week of this time can occur for mail to be received by local residents) and has left local residents with an unreasonably short period of time to consult with their advisers to legally assess the merits of GIWP's request for an extension and to prepare and lodge submissions.