

Eungai South
Wiled Trust – Ronski Pty Ltd as Trustee
Haymarket Road, Glen Innes, NSW 2370

4th April 2014

Ms Diane Sarkies,
Senior Planner, Energy,
NSW Government Department of Planning & Infrastructure,
GPO Box 39
SYDNEY, NSW 2001

Email: toby.philp@planning.nsw.gov.au

Dear Madam,

RE: Modification Request for Glen Innes Wind Farm
(MP 07 0036 MOD 2)

Attached is my submission (18 pages) in relation to the Modification Request for Glen Innes Wind Farm (MP 07_0036 MOD 02).

I also confirm that a extension to 9th April 2014 has been received from the Department to lodge this submission.

Would you please confirm by return email to geoffp@ftsadvice.com.au that you have received the submission.

Yours faithfully



G W Putland
Sole Director

Submission in relation to Modification Request for

Glen Innes Wind Farm (MP 07 0036 MOD2)

1. As the department is aware, the vast majority of objections to Wind Farms is where turbines are located within two kilometres of non wind turbine landowners property. In the case of the Glen Innes Wind Farm (GIWF) the objection is in relation to wind turbines that are within two kilometres of non windfarm turbine land owners properties – objection is to turbines numbered 15, 16B, 16C, 17, 19, 21B, 22B and 20B.
2. It seems very clear that the requirement of the NSW Government Draft Planning Guidelines: Wind Farms 2011 is to have a two kilometre setback so that no disputes exist between a Windfarm Developer and non- turbine sponsor land owners within two kilometres of the development.

All of the current ongoing disputes and future legal litigation in relation to the GIWF would be eliminated if the department modified the GIWF Development Approval so that it complies with all of the NSW Windfarm Guidelines (viz: in particular the 2klm setback) which would then also comply with the Glen Innes Severn Council's Development Central Plan for Windfarms.

3. In relation to the GIWF, we also have the situation where (GIWP) are using compliance with the NSW Windfarm Guidelines where it suits them, but stating that the existing approval was prior to the NSW Windfarm Guidelines where it is not favourable to them viz: the 2klm setback requirements.
4. Also there appears to be no acceptance by GIWP that there has been, and remains, strong opposition to the GIWF. GIWP continues to do very little to understand this opposition and to work with affected local residences to find a solution for all parties.

5. Unfortunately GIWP are continuing their past practice of not properly engaging with the local community. The approval modification requested by GIWP viz:

- the installation of larger wind turbines, and
- Micro-siting of two wind turbines within the approved layout to accommodate the larger dimension wind turbines,

is not minor (as claimed by GIWP). It is supported by over 500 pages of submissions, much of which is very technical in nature, and which has been prepared over 6 to 9 months.

6. The period of response for GIWP modification request has been limited to 14 days – and as the NSW Department of Planning and Infrastructure (NSWDPI) is aware over 7 days of this time (50% of the total submission time) has been taken up in the interested parties receiving the notification from the NSWDPI.

7. It is inconceivable how GIWP could expect any person to:

- Receive advice in relation to the modification request,
- Read the technical submissions prepared by GIWP,
- Determine whether and what type of independent expert advice is required in order to properly assess the modification request,
- Determine the names of suitable organisations to provide such advice,
- Prepare and provide a brief to these organisations requesting their submission on the cost and timing of completing the work requested in the brief,
- Select the independent expert/s to complete the work,
- The independent experts to complete the work,
- Receive the independent expert/s report/s,

- Discuss and understand the independent expert reports,
- Prepare a submission based on the independent expert advices, and
- Finally lodge the submission.

within a fourteen day time period.

8. GIWP do not appear to want anyone to undertake a proper and well considered assessment of their modification request. The reason for such an approach escapes me other than the obvious conclusion that they do not wish to engage with local affected non windfarm landowners and the community generally.

I certainly hope this is not the case.

9. If GIWP are genuine in their desire to engage with the local community, then to assist local affected residents in their assessment of the requested modification GIWP should have made available to the local community, say 10 copies of the detailed submissions, each in a separate lever arch folder, for use by local residents.

It wasn't done, why?

10. Objection is made to the modification requests by Glen Innes Wind Power viz:
 - Replacing the existing approved turbines with higher towers, larger diameter rotors and increased sweep area which are outside the current approval dimensions, and
 - The Repositioning of turbines 13 and 13B which is necessary to accommodate the larger dimension turbines (including towers).

11. The reasons for our objection are set out below:

11.1 the approval for the GIWF lapsed on or about 2nd October, 2012. The extension granted by the NSW DPI on 16th August, 2013 is not valid. Therefore this modification request cannot be considered by the NSW DPI.

11.2 It is incorrect to categorise the proposed modifications requested by GIWP as minor and for comments to be lodged within 14 days.

11.3 The requested modifications have been assessed against “some of, but not all of” the requirements of the Draft NSW Planning Guidelines: Wind Farms 2011 and the Glen Innes Severn Councils Development Control Plan for Wind Farms.

The modifications requested should be assessed against their original approval criteria/law.

11.4 Detailed Consultation with local non windfarmer landowner residents, within 2 and 3 kilometres of the windfarm, has not occurred in relation to the modifications requested.

11.5 The proposed modifications do not comply with the conditions of the Draft NSW Planning Guidelines: Wind Farms 2011 or the Glen Innes Severn Councils Development Control Plan for Wind Farms.

11.6 Visual Amenity

Visual impact is one of the most important factors in community assessment of Wind Farms.

The larger turbines substantially add to the already negative impact to the local landscape environment by the GIWF.

It is acknowledged in Aurecon\GIWP report that shadow flicker will exceed the guidelines at two non-associated wind farm residences.

- 11.7 It is not correct to conclude, as Aurecon\GIWP do, that the requested modifications will have similar environmental impacts as the approved project - the turbines are larger, higher and have a greater sweep area.

The number of visible turbine hubs and turbine blade tips has increased at many locations viz:

Location	Blade Tips			Hubs		
	Approved Turbines	Proposed Turbines	Increase	Approved Hubs	Proposed Hubs	Increase
Furracabad Station (Most affected)	9	12	3	5	6	1
Green Valley	17	18	1	14	16	2
Klossie	8	10	2			
Green House	7	8	1	4	5	1
Nullagai	1	3	2			
Illparan	12		12			
Minamurra C	23	23	25	20	21	1
Cherry Tree				12	13	1
Highfields				14	15	1
Minnamura B				18	20	2
Lombardy				11	12	1
Kalanga C				19	21	2
Kalanga A	24	25	1			
Kalanga B				20	21	1
Girrahween	13	15	2	11	12	1
Wattle Vale				14	16	2

Increased turbine dimensions will be seen from the above properties which is totally unacceptable.

- 11.8 We absolutely agree with Aurecon who state:

- (a) In Section 1.1.2 that the GIWF was approved on 2nd October, 2009,
and
- (b) In Section 1.1.3 that it was modified on 10th August, 2010.

Accordingly, the extension granted by the NSW DPI in August 2013 is invalid.

- 11.9 Table 1.1 is an inaccurate summary of the Land and Environment Court Case No.10926 pursued by the Glen Innes Landscape Guardians.

What other parts of this report are inaccurate?

- 11.10 Micro sighting of turbines was not allowed in the original approval (viz: 2009 year).

GIWP are claiming micro sighting is allowed under the Draft NSW Planning Guidelines: Wind Farms 2011 however the Wind Farm was not approved under these guidelines.

Either the original approval conditions must be applied or GIWP “leave” the old approval conditions and apply and transfer their approval to the Draft NSW Planning Guidelines: Wind Farms 2011 “in their entirety” which GIWP are not doing. GIWP cannot “cherry pick” which of the draft guidelines they wish to apply/comply with and those they do not want to comply with – it is either all or none.

- 11.11 In Section 2.1 it is stated that one of GIWP principal functions is:

“(d) be integrated into the community in a way that is sensitive to and has regard to the concerns that may arise for the life of the project”.

Clearly GIWP are not complying with this principal (d) outlined above - a local doctor and a deputy school principal have already left the immediate area (viz: within 2klm of turbines) due to the effect of the GIWF.

- 11.12 In 2.2.1 Aurecon acknowledge that the area of the GIWF is a “low wind site”.

- 11.13 There is a very substantial increase in the sweep area of the proposed new turbines and the dangers resulting from such.

11.14 In Table 3.2 (page 14) the modified turbine locations are detailed but no summary is provided on the changed distances to all local residences.

Why wasn't such a summary included so that the effect can be assessed and a proper response provided.

11.15 The proposed new turbines are significantly larger than the existing approved turbines:

- . Hub height from 80m to 89m: a 9m/11% increase
- . Max blade tip height from 130m to 150m: a 20m/15% increase.
- . Rotor diameter from 100m to 122m: a 22m/22% increase.
- . Rotor sweep area from 7857m² to 11690m²: a 49% increase.
- . Footings : 18% more concrete
- . : 13% larger diameter

11.16 In Table 4.2 (page 24) Aurecon state:

"Pastoral activities will be unaffected on neighbouring lands by the proposed modifications".

This is clearly a incorrect statement.

11.17 Non Compliance with Draft NSW Planning Guidelines: Wind Farms 2011

The Draft NSW Planning Guidelines: Wind Farms 2011 (the Guidelines) have been prepared in consultation with the community and energy industry to provide a regulatory framework to guide investment in wind farms across NSW, while minimising and avoiding any potential impacts on local communities. The purpose of the guidelines is to:

- . Provide a clear and consistent regulatory framework for the assessment and determination of wind farm proposals across the state.
- . Outline clear processes for community consultation for wind farm developments.
- . Provide guidance on how to measure and assess potential environmental noise impacts from wind farms.

Summary of NonCompliance with NSW Planning Guidelines Wind Farm

Checklist (part only)

Issues and potential issues for Consideration

Comment by Aurecon/GIWP

(a) Consultation

Consult with all neighbours with dwellings within 2km of a proposed wind turbine. Identify the neighbours issues and potential approaches to mitigate any adverse impacts.

Members of the community were not consulted about the modifications.

Comment – Although consultation is required, a deliberate decision was made by GIWP not to consult.

Consider seeking agreement with neighbours with dwellings within 2klm

The neighbours with dwellings within 2klm of the wind farm turbines have not been consulted in relation to the proposed modifications. It is anticipated that the NSW DPI will require formal consultation in relation to this application.

Comment – The NSW DPI consulting requirement has been ignored. Don't you consult "BEFORE" lodging the modification request.

(b) Ecological Issues

Consider potential impacts on birds and bats, particularly migratory species and outline the proposed monitoring and mitigation strategy.

No change in potential impacts is foreseen.

Comment – This statement is not correct – the sweep area has increased by 48%.

(c) Aviation

Outline current agricultural aerial uses on neighbouring properties.

The proposed modifications will have no agricultural aviation effect on non-wind farmer neighbouring properties.

Comment - This is clearly incorrect. Neighbouring properties suffer the same negative impact as wind farm properties.

(d) Economic Issues

Consider whether the wind farm use is consistent with relevant local or regional land use planning strategies.

The wind farm has been approved and was consistent with relevant local planning requirements at the time of submission. Glen Innes Severn Council has since adopted a new LEP and a DCP for windfarms.

Comment: The statement by Aurecon that the Glen Innes Severn Councils DCP for Wind Farms was issued after the Wind Farm approval is incorrect. The DCP was issued prior to the Wind Farm approval and the DCP is not complied with.

Consider any potential impacts upon property values consistent with the Draft guidelines, including properties Within 2klm.

The proposed modifications would not be expected to have any additional impact upon property values due to their minimal Environment impacts compared to the approved project.

Comment: Probably correct, however the original approval has caused negative property price impact.

(e) Council Planning Controls

Outline whether the proposal is consistent with any relevant provisions of the relevant Council's Development Control Plan and list any Variations.

This is an approved project and is generally consistent with the local Council's wind farms DCP.

Comment: The approval is not consistent with the local Councils DCP in a crucial area – the 2 klm setback.

11.18 Non compliance with the Glen Innes Severn Council Specific DCP Wind Power Generation Guidelines.

The Council has implemented a Development Control Plan for Wind Farm Developments so developers are aware of the Councils' and the local Community's expectation and compliance with any wind farm development.

DCP-Planning and Environmental

Control Guideline

Where visible from a non-related dwelling or immediate surrounds, the development shall not be located within 2.0 klm's of any dwelling not associated with the Wind Farm development.

Turbine locations shall be located sensitive to non-related dwellings surrounding the development. Note that due to the height of the turbines, screening is not the preferred choice of dealing with visual impact. The developer's priority should be endeavouring to position the turbines in locations with low visual impact to nearby properties, especially existing dwellings and lots provided for dwellings.

Aurecon/GIWP Comment

The proposed modifications do not alter the approved turbine locations. Minor adjustments to the layout will occur within micro- siting limits of 100m.

Comment: the GIWF does not comply with the 2.0 klm setback provision.

Screenings is the only mitigation offered by GIWP.

Comment: The GIWF does not comply with the Council's Guidelines.

11.19 The NSW Wind Farm guidelines require that Wind Farm proponents must undertake a comprehensive and genuine community consultation and engagement process.

The applicant must demonstrate in the environmental assessment that effective consultation has occurred prior to the lodgement of the application and that issues raised as a result have been addressed in the Assessment. Without this being adequately demonstrated, the application will not be accepted.

As noted in paragraph 11.17, GIWP acknowledge that they have not consulted the local community in relation to this modification request.

Accordingly, the Department has no option but to refuse the modification request.

Although Aurecon in Section 5.1 state the NSW Wind Guidelines have been considered in relation to the proposed modification, to provide a complete explanation what Aurecon should have said is that the Guidelines were considered and then not complied with.

11.20 In Para 5.1.2 Aurecon state a information day was held on 3rd December, 2013.

This statement is very misleading – as the advertisement states only 2 hours were available viz: 3pm to 5pm.

Also in Para 5.1.2 Aurecon comment that several people acknowledged acceptance of the modifications and that most attendees indicated support for the project. As no details are provided as to who attended the information session – maybe they were wind farm landowners – this statement must be ignored.

As you are aware, there is substantial local opposition to turbines which are within 2 klm's of non wind farmer residences, being turbines numbered 15, 16B, 16C, 17, 19, 21B, 22B and 20B – opposition to only 8 turbines out 25 turbines for the GIWF, and opposition to only 8 turbines out of 313 turbines in the local area (2.5% of turbines)

As you can see, the opposition is not to Wind Power Electricity Generation generally, but to turbines located within 2 klm of non windfarmer residences.

It is clearly a requirement of the NSW Guidelines for Wind Farms that turbines are not to be located within 2 klm of non windfarmer residences and this is not complied with.

- 11.21 The modification requested by GIWP does not comply with the Draft NSW Planning Guidelines: Wind Farms 2011 in relation to Landscape and Visual Amenity. The Guidelines state:

If a turbine is proposed within 2 klm of a neighbours house, the landowners consent must be obtained or a Site Compatibility Certificate obtained from the relevant Joint Regional Planning Panel focusing on Visual Amenity issues.

There is no compliance by GIWP with this requirement.

- 11.22 In Para 5.2.2 Aurecon state:

“due to their size and prominent position, the wind turbines will be difficult to screen”.

This is confirmation from Aurecon/GIWP about the adverse visual effect of the proposed turbines.

The unacceptable visual mitigation measure already proposed by GIWP, viz: tree planting, would have to further increase in height.

11.23 Shadow Flicker

The report by Aurecon states that the Shadow Flicker caused by the proposed new turbines will exceed by 30 hours, the acceptable limit, at 2 non-associated wind farm residences - Mayvona and Ilparran B. However there is also increased shadow flicker at other residences as shown below.

Residence	Shadow Flicker Hours per annum		
	Approved Turbines	Proposed Turbines	Increased Hours
Ilparran B	24	37	13
Mayvona	32	42	10
Ilparran A	19	29	10
Highfields	13	20	7

The above are unacceptable significant increases of Shadow Flicker hours.

- 11.24 Aurecon acknowledge in Para 5.2.4 of their report that one of the main reasons for the opposition to the GIWF by the local community and the non wind farm neighbours was the significant adverse visual impact caused by the turbines.

The increased height and sweep area of the proposed turbines increases further the local community and non wind farm neighbours concern and opposition to the Wind Farm as the visual impact is increased significantly.

We do not agree with Aurecon /GIWP conclusion that the proposed changes to the wind turbines would result in little change to the overall visual impact of the Wind Farm.

11.25 Noise Assessment

The proposed new turbines will cause increased noise levels at 2 non wind farmer properties who are within 2 klm on turbines; Highfields and Mayvona, and also above the acceptable noise criteria guideline. This further supports a 2 klm setback policy enforcement.

Tables 3, 9, 11, 15 and 17 in Appendix E Noise Assessment are incorrect, as they do not include Furracabad Station – what is the unfavourable noise impact on Furracabad Station.

All calculations and tables need to be updated for Furracabad Station so that a complete assessment is possible.

When compared against the approved turbines, the proposed turbines have caused increased noise levels at the following non-wind farmer properties:

- Rivoli
- Wattle Vale
- Girrahween
- Glengarry
- Mayvona
- Lombardy
- Highfields
- Nullagai
- Klossie
- Cherry Tree (Eungai)
- Ilparan A

This is totally unacceptable.

There may also be exceedances at Furracabad Station also – no calculations have been done, but must be done.

11.26 In 2011 the Federal Government conducted an inquiry into The Social and Economic Impact of Rural Wind Farms. One of the recommendations from this enquiry was:

Further consideration be given to the development of policy and separation criteria between residences and Wind Farm facilities.

As you are aware, it is now well accepted that the minimum distances between Wind Farms and Residences should be at least 2 klm- this principal is not being applied in relation to the GIWF by GIWP.

11.27. Clearly the larger sweep area of the proposed turbines (increased by 52%) will have a commensurate negative impact increase on the local bird and bat population viz: a 50% increase in dead birds and bats.

This is unacceptable.

11.28 Aerial Agricultural Operators

In Para 5.6.1 Aurecon/GIWP conclude that the proposed new turbines “would not affect neighbouring properties”.

It is inconceivable as to how Aurecon can make this conclusion – turbines near neighbouring property boundaries (which exist) will affect equally the wind farmer property and the non wind farmer property.

11.29 In Para 5.9.2 Aurecon state that residential rural activities will not be significantly affected by the operation of the wind farm.

This is incorrect.

Rural residential developments which generate higher rates for the local council, compared with pastoral property, will cease due to the negative visual, noise, health and economic impacts of the Wind Farm.

11.30. The Development Approval granted on 2nd 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 klm of residences who have not consented to them should be removed or relocated so that they are not within 2 klm of these residences – Turbine numbers 15, 16B, 16C, 17, 19, 21B, 22B and 20B.

11.31. The Wind Farm does not have the support of the Glen Innes Severn Council as the Development Approval of 2nd October 2009 did not comply with the Glen Innes Severn Council's DCP for Windfarms.

11.32 The Wind Farm does not have the support of any non-windfarm residences who reside within 2 klm of the Wind Farm.

11.33. 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.

11.34 GIWP have previously stated that they removed three turbines as a show of goodwill.

This is incorrect, only 1 turbine has been removed by GIWP as a goodwill gesture.

Only 2 turbines have been removed:

- One turbine by the Department of Planning as an approval condition - GIWP tried to have this turbine reinstated by was unsuccessful, and
- One turbine as agreed between GIWP and Glen Innes Landscape Gardens, due to concerns about noise and visual amenity issues.

11.35 Local Council Planning Controls

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

11.36 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 2klm of houses), there is still very strong opposition from residents who reside within 2 klm 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.

The 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.

11.37 Appendix F – Aviation Assessment

Table 2 is incorrect as it does not include the airstrip on Furracabad Station.