

15 February 2017

Our Reference: DAW:160804:EHH  
Your Reference:

The Executive Director  
Planning Services  
Department of Planning and Environment  
GPO Box 39  
SYDNEY NSW 2001

**Attention: Executive Director – Resource Assessments and Business Decisions**

Dear Sir/Madam

### **JUPITER WIND FARM - DEVELOPMENT CONSENT OBJECTION**

This firm acts on behalf of Nash Family Interests being the registered proprietors of land immediately to the North and West at the Northern extremity of the site, our clients land being as delineated in Annexure "A".

Our clients carry out grazing operations on the subject land which may be described as environmentally sensitive although zoned RU1 under the Palerang Local Environmental Plan 2015.

### **GROUND OF OBJECTION 1**

The Environmental Impact Statement fails to adequately canvas environmental hazards that arise from potential soil and water impacts of the project. Annexed and marked "B" is a report commissioned by our client from Wayne Cook, an environmental consultant in soil and land management issues.

Our clients wish to specifically draw attention to the conclusion of that report which provides interalia:-

*"The proponent has failed to understand the local soil conditions found throughout the majority of the Project Area. The proponent consistently underestimates the soil erosion hazard for the majority of the Project Area throughout the EIS."*

*"The finding that the overall soil hazard is "low" is proven in this report to be untenable based on publicly available evidence.."*

*"The overall soil erosion risk for the majority of soils found within the Project Area is higher than "low" and is found to be Moderate to High with some areas of "Very High", by the author of this report."*

Further, it is the observation of our clients that surface water flow within the Chain of Ponds Creek catchment passing through the property can reach a significant velocity and width of

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impact, sheeting in heavy rain.

It is the contention of our clients as referred to in the report attached "B" that necessarily there must be an increased surface water velocity within the Project Area which is likely to have a negative impact on both existing soil conservation works and generally compromise highly erodable soils found at lower slopes and within the valley floor.

Any increase in turbidity will severely impact both the water quality of our client's stockwater dams which are downstream of the project and generally impact adversely on water quality within the chain of ponds catchment. Likewise, increased turbidity will create increased siltation risks in our clients' dam storage system and compromise the reticulation system between those dams. (There are 18 dams in all).

Our clients wish to draw the attention of assessors to the layout of turbines within or adjacent to existing soil conservation works and otherwise within the broad drainage depression of the Chain of Ponds Creek. (Refer pages 13 and 14 of the report of Mr Cook.)

## **GROUND OF OBJECTION 2**

The Nash Family property comprises approximately 738 hectares and the relevant titles include the numerous parcels as identified on Annexure "A".

At present there are no residential improvements upon the property. The configuration of the property is such that it has potential for division along existing portion lines into smaller scale residential farmlets with dwelling permits available. In the alternative, it is open to our clients to seek development consent for subdivision of the property so as to yield small scale residential farm properties in like manner.

The singular density of turbines proposed for land immediately to the south of the Nash Property and as to part on the east side of the Nash Property is such that the development will create severe visual impact and blight visually, grossly inhibiting the potential of the property for alienation or subdivision as outlined in this ground of objection. It is apparent from material available for assessment that relative to other sites there are a significant number of small scale residential lots within the immediate vicinity of the proposed concept including developed sites to the west, east and north of the Nash Properties and it is apparent that the settled use of the site margins is small scale residential farmlets. We submit that it is a reasonable assumption that there might be in future a continuing pattern of development including like development on the 738 hectares comprising the Nash Family property. Indeed it would appear that the pattern of development now established is the highest and best use.

If it be the case that the development approval is adopted, it is likely that such is the negative impact of the windfarm development that future adoption of the highest and best use will be curtailed. In particular, the curtailment will flow from:-

1. Negative impacts on soil and water as demonstrated in the report from Mr Wayne Cook;

2. Noise from turbines;
3. Visual blight;
4. Undesirably increased traffic along adjacent roads flowing from the density of site development on the windfarm;
5. Shadow flicker to western portion of Nash Property.

### **GROUND OF OBJECTION 3**

The Nash Family property is divided into 12 main paddocks which are serviced by 18 dams. The dams on the property are likely to be subject to adverse affects from increased turbidity with respect to any water flow proceeding in a northerly direction when flow is exacerbated by the physical characteristics of the development noted in the Cook report. It was our clients' intention to further develop the water reticulation within the property in particular, two tanks to be located in Lot 187 DP 750033 and Lot 58 DP 657525. Any increased turbidity to the site of our clients' dam sited in Lot 189 DP 750033 is likely to seriously compromise the quality of that water supply and substantially impair the efficiency of water reticulation. Downstream from our clients' existing principal dam on Lot 189 DP 750033 are a further eight dams which are replenished by a pipe feeding by gravity from that principal dam. Again, water turbidity is more likely than not to be increased within the Jupiter development and thus impairing the reticulation system.

### **GROUND OF OBJECTION 4**

The potential erosion hazard outlined in Annexure "B" is such that the wetland environment of Chain of Ponds Creek is more likely than not to deteriorate with respect to habitat. Notably, with respect to frogs, the EIS provides that there is suitable breeding and foraging habitat for a range of common species within the study area. For the reasons outlined above, the habitat for frog species is likely to be compromised.

### **GROUND OF OBJECTION 5**

Our client contends that the consent for subdivision on land adjacent to the Nash Properties being Lot 2 DP 1026850 will be severely compromised by the proposed windfarm. Our client understands that the development consent is on foot for an 11 Lot subdivision further reinforcing the points made in objection to that the highest and best use for land in the vicinity of the proposed site is small scale holdings for farm purposes with an increased area of housing density as is found on the margins of the project.

### **GROUND OF OBJECTION 6**

Whilst the current use of our clients' property is broadacre grazing purposes, further development potential is available as noted above. Site development for windfarm purposes as set out in the proposal must, in our clients' view, seriously inhibit fire fighting

potential given the proposed combination of site density of unprecedented character when combined with flammable part forest country to the east and the high density of existing residential development. The combination must necessarily create a significant inability to thwart rapid movement of fire given that aerial fire fighting techniques will not be deployable within the vicinity of the wind-farm. Aerial fire fighting has proved critical to halting fires in the immediate region within the last 12 months.

## **GROUND OF OBJECTION 7**

The unprecedented density of turbines within the northern precinct of the proposed windfarm effectively creates a commercial industrial complex that will be perceived visually as both dense at ground level and having significant elevation at a proposed turbine height of 173 metres. The unprecedented cluster density creates a significant departure from the rural/residential character of adjacent land use and clearly sets up conflict sharply at odds with the expressed purposes of Palerang Local Environmental Plan 2014 which includes as its objects –

*“To minimise conflict between land uses within this zone and uses within adjoining zones.”*

In the submission of our clients there can be no sharper conflict than of the type which will be manifest as between a commercial industrial use and rural/residential use given the heavy density cluster elements as described.

## **GROUND OF OBJECTION 8**

Characteristically, freehold owners and occupiers of rural and rural/residential land exercise quiet possession both in a legal and experiential mode. In the experiential mode, landholders in the vicinity of the proposed windfarm (there being a large number of them) will have their quiet possession severely compromised most particularly during the construction period for the likelihood of very large numbers of vehicle movements and generation of dust and noise. Post-construction vehicle movements generated by the windfarm will continue to diminish quality of life for land owners that are proximate.

Given the scale of the present development, the dust generation during construction is likely to be impossible of control, notwithstanding frequent use of dampening measures. Likewise, post-completion the continued developed density of the site is such that dust will arise under strong wind conditions and not be capable of practical abatement during the life of the windfarm.

## **GROUND OF OBJECTION 9**

The Nash Family contends that the project will impair the value of their property in so far as it is likely to impede further development. Specifically residential development of the property will be impeded on either of two bases:-

1. It can be reasonably expected that a property of 738 hectares in the region might

have one or more residential dwellings. The proximity to the windfarm structures is likely to blight the scope for residential amenity on the grounds set out in Objection 2.

2. Impairment of value will follow from the development more probably than not frustrating the potential for subdivision as set out in Objection 2. For this reason it can be reasonably anticipated that our clients are unlikely to enjoy the realisation potential available to them if the property was not affected by its immediate proximity to the windfarm. We contend that increasingly the detriment to neighbouring but non-host properties is recognised and the EIS fails to acknowledge the impact described.

Yours faithfully

**ELRINGTONS LAWYERS**

**David Walters**

Consultant

Phone: 02 6206 1200

Email: [dwalters@elringtons.com.au](mailto:dwalters@elringtons.com.au)

Facsimile: 02 6229 9211

Reply: **QUEANBEYAN Office**