

## Chapter 23. Nails in the Coffin

### Where a unique developer falls out with a unique community by proposing a unique industrial scheme in a unique location.

As this development is likely to go to the Land & Environment Court, the Department has a big decision. Does it want this community on its side or against it?

There are many reasons justifying a decision by the Department to recommend rejection of the Jupiter Development Application, including:

#### **The Proposal**

- Apart from the developer and their partners, just who does support this project?
- Uniquely, the EIS for the Jupiter wind farm was rejected the first time it was presented. This one is no better.
- The Jupiter wind farm will never be commissioned in time to have any impact on whatever NSW renewable energy targets are current at the time (if there are any). Being last in a queue already well oversubscribed should also ensure its demise in the approval process.
- The Jupiter wind farm will always be last in the queue for a buyer, a Power Purchase Agreement and finance. A Department concerned, as it is, with finality and closure has the remedy.
- Mr Mike Young at the community meeting hastily called by the Department on December 7, 2016 said: "Mr Young admitted the Jupiter Wind Farm project was on the higher end of the scale brought to the department."<sup>1</sup>  
He probably meant "unique", a descriptor he used, from memory, when addressing the Jupiter CCC, but couldn't repeat it.
- Whilst not unique, this is one of the rare wind farm EISs that admits it can't meet the noise guidelines for some non-associated residences.
- This project relies solely on vegetative screening as a visual mitigation strategy with its inherent impracticality and dangers.
- Investment has been stifled in this area of rural residential character.
- What wind farm site has eleven entrances in an area of already high traffic movements for a rural location.
- After 3 years contains little more about the project than was in the Preliminary Environmental Assessment.
- Unlike other NSW wind farms, this project will have political impacts. Jupiter could be the greyhounds of the Southern Tablelands.

#### **The Developer**

- has little experience in constructing and operating a wind farm

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<sup>1</sup> Goulburn Post, Dec 8, 2016

- is only interested in on-selling the approval. Both the 2015 and 2016 Epyc annual reports state with respect to Jupiter Wind Farm Pty Ltd, on whose behalf the DA was submitted, "On 16 December 2014, the company set up a 100% wholly owned subsidiary, Jupiter Wind Farm Pty Ltd. The subsidiary is set up as a vehicle to sell its Jupiter Wind Farm project."

- is incapable of community communication
  - has a documented history of refusing to provide requested information
- misleads, both directly and through its consultants
- does not have the required Social License to Operate
- enjoys no support or respect from the wind industry.

Charlie Prell, NSW Organiser for the Australian Wind Alliance, and long suffering potential Crookwell 2 host, not prone to saying anything negative about the wind industry, had this to say after the Department's meeting in Tarago, December 7, 2016.

"The communication has been abysmal," Mr Prell said. "They didn't outline benefits. The division has been exacerbated due to the lack of information from EPYC. They will face a lot of problems getting an approval. It's a lost cause."<sup>2</sup>

This was not a one-off reaction from Charlie.

Earlier, on the occasion of the rejection of the original Jupiter EIS, Charlie had this to say on ABC Radio:

"I do support renewable energy and I do support wind farms but that support's not unconditional. The proposals need to be developed in a manner that is acceptable to the communities involved. I don't think this project has been developed in that manner.

So as the Department says the consultation hasn't been adequate and the practices of the wind farm developer have been unfortunately lacking."<sup>3</sup>

(Is Charlie the spokesman for the industry on this issue? The Clean Energy Council could hardly comment, seeing Epyc is a Corporate Member, although Miles George, when at Infigen, must have been tempted.) We look forward to the submission from the Australian Wind Alliance.

- Epyc's employees have never stood up and presented in front of the community in a public meeting, despite numerous requests. They have always preferred the divide and conquer strategy. What did they fear? If you can't defend your project, it will never gain acceptance. They also did not turn up to defend their project at the Queanbeyan Palaerang Regional Council committee meeting discussing council's negative submission to the Department.

- We have yet to see a frank assessment by the CCC Chair. For some reason it is being delayed or hidden.

## **The Location**

Why would you build a wind farm in a valley, overlooked by hundreds of residences or properties with residential rights?

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<sup>2</sup> Goulburn Post, Dec 13, 2016.

<http://www.goulburnpost.com.au/story/4352369/hosts-should-be-included-in-discussion/?cs=185>

<sup>3</sup> Interview with Louise Maher. 666 ABC Canberra, approx 5pm, October 29, 2015

Many times the developer has written in the EIS that the wind farm is in two distinct precincts, North and South. By that definition there are many non-associated residences along Boro Rd **within** the Northern section of the wind farm.

- 31 of the turbines will be in an E3 zone where they are prohibited under the Goulburn Mulwaree LEP
- 9 of these 31 turbines have been placed in a large section of feeding habitat for the endangered Glossy Black-cockatoo. Epyc has identified no other such feeding alternative within the project area. The EIS identifies this as one of two biodiversity significant issues. Therefore, this is no ordinary E3 zone.
- This area forms part of an important state and regional wildlife corridor
- No other NSW wind farm has 140 non-associated rural residences within 3km of a turbine. Surely this is the type of wind farm project that would be disallowed under the new "Guidelines".
- the combination of this wind farm and the rural residential character of the area will create a unique environment should the recent local bushfires be repeated.
- catastrophic impacts on various electronic transmissions including up to 180 residences potentially affected by television signal interference.
- The Project extends across 87 individual privately owned lots (consisting of 23 private landholders) that will host Project infrastructure, including wind turbine generators (WTGs), access roads and other ancillary infrastructure. These numbers indicate that this is a highly subdivided area.
- EPYC has been unable to get enough leases for an 88 turbine wind farm so the clustered turbine layout is unique amongst NSW wind farms.  
All EIS consultants have distanced themselves from this unique layout, attributing it to Epyc.
- it is rare to find turbines up to 70 metres below surrounding non-associated residences. Off-white turbines will contrast starkly with the dark landscape.
- None of the 273 non-associated residences within 5 kms of a turbine are in a town. They are mostly lifestyle properties.
- This record high number of potentially impacted residences leads to similar high impacts in many other areas:  
Visual, Noise and Vibration, Property devaluation, EMI, Traffic, Social and Economic, Blade throw, Health and the dreaded Bushfire.
- From the latest news (Feb 9, 2017) on Queanbeyan Palerang Regional Council's website:  
""Council is generally supportive of renewable energy projects but there are a number of concerns with this project being in a rural residential setting and not on broad acreage," Council Administrator, Mr Tim Overall said."

## **The EIS**

I'd like to say "there have been worse", but I can't.

- Ignores the unique economic impacts of constructing a wind farm in an area of rural residential character.

- Is false and misleading.

The Department has been misled from the start. Page 4 of the Preliminary Environmental Assessment (December 2013) states:

“It is anticipated that there may be WTGs within 2 km of non-involved properties with dwellings, however this will be subject to further wind turbine location modelling, constraint mapping and on-going consultation with land owners.”

Remember, the PA was larger then with up to 100 turbines planned, including one on the Roseview escarpment!

One can only wonder what the Department might have said if Epyc had written something like: There are 63 residences within 2 kms of a turbine and many more properties with residential rights within 2 kms of a turbine.

Buried on page 51, is another statement:

“The design of the wind farm and siting of WTGs is currently being prepared, based on the current PA, it is estimated that there are 38 dwellings within 2km of the PA.”<sup>4</sup>

One or both statements must be wrong or designed to mislead. At that stage, many residences within the town of Tarago were with 2 kms of the PA. At that stage, there were 13 rural residential dwellings in the Barnet Estate alone where the properties adjoined the Project Area

That statement is further misleading as there were, at that stage, many non-associated properties **within** the Project Area.

The next sentence in that paragraph from page 51 of the PEA states:

“As part of the final design environmental impacts will be considered, with avoidance the first principle adopted with those properties within 2km, whilst it should be recognised that it is unlikely that WTGs will be sited on the boundary of the site, thereby likely to significantly reduce the actual number of properties that will be located within 2km of the actual WTGs.”

So a reasonable person would conclude that the number of affected residences would be “significantly reduced” from the 38 nominated above.

The final sentence in the paragraph is misleading in itself, implying that EPYC has an existing practice when it comes to properties within 2kms.

“It is also EPYC’s practice to attempt to incorporate properties within 2km into the project and PA, and where not feasible, provide alternative benefits to those land owners (dwellings).”

Jupiter is EPYC’s most advanced (only admitted) wind farm project.

All this, of course, was repeated in the version supplied to the (now) Federal Department of Environment and Energy, dated July 16, 2015. Nothing had changed in the intervening 18 months.

Should I start on the EIS?

## **The community**

- Is just an ordinary, ill-informed, quiet, accepting, forgiving, fragmented and cowering bunch of quitters.

- Has shown by its many lucid submissions that it is mostly opposed to this industrial outrage.

I look forward to standing up in front of the Jupiter PAC meeting and saying:

“Unaccustomed as I am to praising the Department of Planning...”

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<sup>4</sup> Page 51. [http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=6277](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6277)