

Submission Opposing “Jupiter Wind Farm Project”

Objection

I object to the proposed Jupiter wind farm.

I object until such time as your department has provided evidence, which will stand up in court, that the wind farm will not blight the view from our particular property or surrounding areas and will not in any way, such as noise, harm our sleep or health or harm our amenity on this property or in other ways harm our lifestyle, including reception for TV, radio, mobile phone and internet, and that it will not increase the bushfire threat to my property or increase the difficulty of protecting my property from bushfires.

I look forward to the provision by you of fully researched analysis, in relation to this particular property (marked as J5), to establish there will be no harm and, in the absence of such evidence, register my objection.

I have lodged other detailed submissions on the damaging impacts of the Jupiter proposal on the local community because of inadequate assessment of fire risk and disruptive and dangerous electromagnetic interference.

This objection deals particularly with the personal disruption and disadvantages and dangers that will be imposed on me, as a local landowner, and my family, friends and the community due to Jupiter proposal. The preparation of the Jupiter proposal has been dreadful both in process and content and scant attention has been given by the proponent, EPYC, to the damaging effects it will cause. Despite their expenditure of millions of dollars, particularly through consultants, the EIS does not give proper consideration to almost all of the damaging effects of this proposal. If the project is not rejected totally at this stage, no further consideration of this proposal should be given until a properly constituted EIS is prepared, based on effective consultation with this community.

- General - E.15 - Issues of concern to the community - “potential visual and noise amenity impacts associated with the physical presence of the Project, road safety impacts and impacts on property values.”

The EIS wrongly makes the claim that community is only concerned about visual, noise, road safety and property value impacts. This submission makes it clear that there is an extensive array of my personal concerns with the damaging Jupiter proposal and the inadequate EIS.

The key grounds for objection covered in my other submissions are:

- fire risk created by the Jupiter wind farm

- electromagnetic interference and disruption created by the Jupiter wind farm

The key grounds for objection covered below are:

- visual impact
- lack of proper consultation
- extent of land clearing required and biodiversity impacts
- noise impacts
- property value reductions
- shadow flicker
- inadequate planning
- misleading claims

Visual Impact - misleading assessment, no mitigation in our lifetime

Our residence is listed as residence J5 in the EIS. In the extensive listing of table of Annex F Appendix A titled Landscape Character and Visual Impact Assessment (LCVIA), our residence is shown as having a HIGH Expected Visual Impact Rating. The “Visual Context” assigned in this table is:

“Screening vegetation present to north, south and west although open and direct views will be available to WTGs to the east.”

The table then suggests “Mitigation Effectiveness and Feasibility (Screening Vegetation)”, as follows:

“Moderate/Low - This dwelling has an extensive view frame that will make screening difficult. Tall trees in proximity to the eastern façade may screen some of the WTGs but will also diminish the panoramic nature of the existing view.”

While these comments have been expressed in jargon, **I understand the general intent of the proposal for Jupiter to deal with our visual impact, to be that our existing view from our residence will be taken away and partially replaced by “tall trees”, but that even these trees will not hide all of the wind turbines in Jupiter.** Given this proposal, it is misleading to claim that the visual impact rating can be reduced from “HIGH” to “MODERATE”. In fact, our current rural view that extends for nearly 180degrees will be replaced by an industrial landscape of moving wind turbine blades for the period during construction and operation of Jupiter, until “tall trees” have time to grow. Given our current age, this planting will provide no mitigation because the trees will not reach sufficient height in our lifetime to provide the suggested visual screening. In this area there are few existing ‘tall trees’ because of the climate and soil interaction.

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Even if the trees were to reach sufficient height to hide the turbines, then our current view would be lost.

It is misleading to claim that there is any existing screening vegetation that is relevant to Jupiter to the North and South of our residence. (Screening vegetation to the West of our residence is irrelevant because all proposed turbines are located to the east.) The EIS does not provide a count of the number of wind turbines that will be visible from our residence. However, in information provided by EPYC to the CCC on Extended Zone of Visual Impact, it is revealed that our residence (J5) will have sight of between 70 and 88 turbines ie NEARLY ALL OF THE JUPITER WIND TURBINES.

Indeed, given that we do not remain stationary or always at our residence, and that our land is 40 hectares, as we move around we will have visual impact from nearly all of the proposed Jupiter wind turbines.

Photomontage 19 is deemed by the EIS to be "Representative of J5 - taken from nearest publicly accessible location on Barnet Drive". Attempts to replicate this view and locate the point where the photo was taken have been unsuccessful. It is not representative of the view from our residence, because it is not taken from the same altitude as our residence and the photo has been deliberately taken from a height and location so that screening bushes hide individual turbines.

At standard resolution, the wind turbines in Photomontage 19 are barely visible (ie the version of the EIS available for download). In the higher resolution version, around 11 wind turbines are shown in the photomontage. At least four of these are obscured to some extent by trees or bushes. If the photo had been taken from the appropriate altitude and location and the photomontage had been correctly produced, then more turbines would have been visible in the photo, but this would still be misleading according to the map of Extended Zone of Visual Impact that reveals that more than 70 turbines will be visible.

All our attempts to obtain and consider information about visual impact from our property have been frustrated by EPYC. EPYC attended a meeting with us at our residence on 18 February 2016. At this meeting, a print of a photomontage was shown to us, but our request to keep the print was refused. Subsequently, on release of the EIS, it was revealed that "To gain a perceptually accurate view of the photomontages they will need to be printed and viewed at A1/A0 sized sheets and held at arms length." The photomontage produced by EPYC at that meeting was not either A1 or A0 paper size.

Having received the higher resolution version of the EIS from DOPE by mail, we requested a print of Photomontage 19 by email on 20 December 2016. On 21 December 2016, DOPE responded that printed images of Photomontage 19 could only be provided by EPYC and asking if I wanted my request passed on. Despited an

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assurance from EPYC on 29 December that printed versions would be available on 9 January 2017, we have never been provided with a copy.

In addition, none of the action items from our meeting with EPYC on 18 February 2016 have been followed up by EPYC.

Despite the efforts that we have made to gain proper information on visual impact, EPYC has always failed to respond properly. The following statements from the EIS are clearly misleading in our case:

- E.12 - “the Project has a relatively limited visual catchment due to” - topography blocking views from greater than 5km - “dense stands of tree planting, windbreaks and garden plantings” - where is the evidence for the second claim? In any event, this statement is not relevant to residence J5.
- E.13 - visual impacts will be moderate/high for 59 dwellings within 3km, motorists on Goulburn-Braidwood Road and Kings Highway, 33kV transmission line, Ancillary structures such as the access roads, temporary mobile concrete batching plant, night time obstacle lighting - “cumulative views of the poles and WTGs together, contributing to the overall sense of new development” - At resident J5, we will get the full impact of the Jupiter industrial development.
- E.13 - “Screening vegetation and other potential mitigation measures have been considered and will be evaluated further in consultation with affected landholders” - There has been no consultation with us located at J5.
- VISUAL IMPACT - screening will be ‘discussed’ with local landholders - but visual impact will need to be balanced against the ‘community’s need for renewable energy’ - There has been no discussion with us about visual impact at residence J5.

Purported Consultation - misleading claims

- The table of Annex F Appendix A titled Landscape Character and Visual Impact Assessment (LCVIA) purports to explain consultations carried out by EPYC with us as owners of residence J5. It lists 15 emails, 1 letter and 1 meeting as consultations carried out with us.
- In the case of the emails, most of these emails have not been consultations. They have not sought our opinion not acknowledge that our opinion has been taken into account in developing or planning the Jupiter proposal. Indeed, four emails sent from EPYC to me in June and July 2014 were about the poor privacy policies and practices being pursued by EPYC. Poor privacy policies are a bad indicator for successful community consultation. I have documentation of the responses from EPYC that explain they are not bound by the Federal Privacy Principles because they rely “on the

small business exception". Given that I raised questions about privacy with EPYC, and that EPYC's privacy policy was subsequently updated, it would be reasonable to think that they took my views into account, but they never advised me of the update. Have these emails and my replies been counted among the 15 emails purporting to be consultation? Were emails sent with an EPYC newsletter attached counted as consultation? The listing of 15 emails to residence J5 is false and misleading.

- In the table a meeting is listed. Presumably (because there is not documentation in the EIS) this is the meeting attended by EPYC at our residence on 18 February 2016. As previously none of the actions that EPYC agreed at this meeting were ever actioned, including their promise to provide a copy of their 'benefit sharing' agreement. How can such a meeting be categorised as consultation?
- In the table a letter is listed. We have no knowledge of a letter. When was it sent? What was in it? We have occasionally received letter boxed, unaddressed newsletters from EPYC. When we asked about the first information pack that was purported to be posted by EPYC, they advised that they either had difficulty obtaining addresses or had these packs returned to sender. In any event, we never received this initial communication, even after discussing it with EPYC. We were never approached spontaneously by EPYC as were people who have been signed as hosts.

Extent of Land Clearing Required - loss of scarce native forest

- E.10 - "The morphology of woodland vegetation suggests that the present distribution of woodland is a result of land clearing" - This assessment ignores any regrowth areas. On property J5, regrowth areas account for a substantial proportion of the forested area.
- E.10 - "fragments of woodland are on very poor soils, as retention of woodland fragments in an otherwise mostly cleared landscape may indicate that there was minimal agricultural benefit from their clearing and/or maintaining them as cleared areas." - This statement is conjecture. No evidence is provided in the EIS for the comment "very poor soils" or any practice of clearing only on marginal agricultural land. Indeed, if much of the current forested area is regrowth from previously cleared land, then who is to say that the current forest is limited to areas with poor soils. In any event, areas of forest will contribute substantially to local biodiversity and should not be devalued.
- E.10 - "of the approximate 86.3 ha of clearing required to accommodate the development footprint for Project infrastructure, approximately 49.1 ha is native vegetation and 37.2 ha is non-native vegetation." - In other words 57% of clearing will be native vegetation - Where will this native vegetation clearing be carried out? Will it be in the "woodland fragments" explained in the previous para?

The EIS does not explain or take account of the role of any forested areas in maintaining local biodiversity. Loss of remnant forest areas in a predominant grassland area, represents a substantial impact on biodiversity, particularly if fauna transit paths are disrupted.

Biodiversity Impacts - damage to rare species - reduced biodiversity

- E.10 - significant impacts - Glossy Black Cockatoo; White Box-Yellow Box-Blakeley's Red Gum Grassy Woodland
- E.11 - Biobanking Assessment Methodology - "Project will require 1,430 ecosystem credits and three species will require species credits: the fauna species Speckled Warbler (*Chthonicola sagittata*) and the Eastern Bentwing-bat (*Miniopterus schreibersii subsp. oceanensis*); and the flora species Hoary Sunray (*Leucochrysum albicans subsp. albicans var. tricolor*)."

It is impossible to replace the biodiversity of aged habitat and communities with newly planted communities within the life of the Jupiter project. Such replacement will be a substantial disruption to biodiversity in the project area. It may well remove key habitat for threatened species as listed (or possibly ignored) in a way that moves the location of habitat or reduces the available total habitat, either in specific locations or generally. The EIS documents impacts on important threatened species. The EIS does not identify the general impacts of the wind turbines on other species, for instance through bird and bat strikes of moving blades.

Noise - wrong measurements - non-compliant

- NOISE - The EIS executive summary fails to discuss noise created against measured background levels but only against 'criteria'.
- E.11 - Operational noise - "Existing background noise levels were quantified via measurement and are considered typical of a rural environment, with the majority of receptors experiencing existing levels at or below 30 dB(A) for wind speeds ≤ 5 m/s."
- E.12 - "Predicted operational (wind farm, WTG) noise levels were above the compliance limits established to achieve the SEARs." - "The mitigated scenarios (Scenario 2 and Scenario 3) achieve full noise compliance at all receptors for all conditions but are implementation of these scenarios is contingent on potential negotiated agreements with affected landholders and the detailed design of the Project that may achieve full compliance for the unmitigated Scenario 1."
- E.11 - Construction noise - "Predicted construction noise levels were above the ICNG noise affected management levels (standard hours) at the closest receptors in

proximity to works, for the assessment scenarios considered. Predicted noise levels were above the highly noise affected management level at two receptors, both of which are involved landholders.” - “Construction noise levels will be reduced and impacts minimised with the successful implementation of these recommendations, as far as is practically achievable.”

- E.12 - Construction road traffic noise - “at or below the criteria” however “night time impacts could be generated if left unmanaged”

The EIS identifies that both operational noise and construction noise will impact the local community as described in the paragraphs above.

For construction noise, compliance with the required standards is suggested to depend on operational procedures, and even then it is unclear how such compliance will be monitored and regulated. What will happen if there is a breach of compliance? Will this regime depend on the community monitoring compliance and reporting breaches? Even then, there is potential for night time breaches, as admitted by the EIS.

For operational noise, it is unclear to me that the monitoring of background noise levels has been in any way representative for this rural area, because of limited monitoring and poor monitoring practices. Even so, the EIS says that operational noise will breach requirements. The only way that compliance will be achieved is to achieve agreement with those affected: “implementation of these scenarios is contingent on potential negotiated agreements with affected landholders and the detailed design of the Project”. Does this obscure wording mean that affected landholders will have to agree to endure non-compliant and noisy environments, possibly through benefit sharing agreements where they waive their right to complain about operation of the wind turbines? EPYC has explained in an undocumented communication at our meeting with them that signing such a benefit sharing agreement will also require the other party to waive all rights to complain (about anything!), even if the wind turbines or the facility are malfunctioning.

The measurement of wind turbine noise is inappropriate in dB(A). One definition of dB(A) is “A-weighted decibels, abbreviated dBA, or dBa, or dB(a), are an expression of the relative loudness of sounds in air as perceived by the human ear.” It is not appropriate to measure the noise impacts of wind turbines in a rural area, as if they were industrial noise impacts in a factory. **All** noise emitted by the wind turbines will be having an impact in rural areas. Indeed, low frequency noise may have more impact on human health than noise in the audible range. The EIS should include assessment of **un-weighted** measurements of noise.

Property Values - misleading conclusions - locked in, can't sell

- E.16 - Property Values - "A review of available literature, including the recent Urbis (2016) investigation undertaken in support of release of the new draft Wind Energy Planning Framework by DP&E, did not find a correlation between declining property values in properties in proximity to wind farm developments" - "Based on the findings of the available literature, it is not anticipated that the Project would have a significant negative impact on property values in the vicinity of the Project."

I dispute this statement in the EIS that there will not be an impact of Jupiter on property values and the capacity for property sales. Whatever literature has been used as the basis for this finding, if a property cannot be sold then there will be no market price to measure. Our experience of the local market is of considerable concern by potential buyers who have not been informed of the Jupiter development but only find out later, and the inability to sell properties where buyers are aware. As residence J5, that is within 2km of the nearest wind turbine, we are deeply concerned that our capacity to sell at any reasonable price and move to another location is now eclipsed. This concern will not be removed unless approval of Jupiter is rejected, and even then the market price of our property is likely to be depressed by the **possibility** that there may be another wind turbine proposal brought forward in this area. The reality is that people do not wish to move to a rural environment to be confronted by moving industrial-like structures - it defeats the purpose of life-style.

Shadow Flicker - no consultation

- E.17 - Shadow Flicker - "shadow flicker impacts in excess of the recommended limit of 10 hours per year are predicted within 50 m of 11 dwellings (nine involved, and two non-involved landholders)." - "Provisions have been made with these landholders regarding the predicted shadow flicker durations and mitigation options available to them (if required)."

What properties are likely to be impacted by 'shadow flicker'? The EIS does not explain. Given that we are located to the West of at least 11 turbines and less than 2km from the nearest turbine, our property (J5) has a high likelihood of being affected by shadow flicker from the rising sun, in summer and winter. We have not been approached by EPYC to discuss any impacts of shadow flicker or any mitigation options.

Inadequate planning - Yet To Be Prepared

- From the executive summary these areas are described as "Yet to be prepared" - Biodiversity offset package - Commonwealth Biodiversity approval - Noise potential negotiated agreements with Landholders - Visual landscape mitigation measures -

Aboriginal Cultural Heritage Management Plan (ACHMP) - Construction Traffic Management Plan (CTMP) - Further consideration of water supply options - A detailed Soil and Water Management Plan will be prepared for the Project - Socio Economic Benefit "The structure and administration of these funds will be finalised prior to the commencement of operation." - Fixed wing aviation on properties neighbouring the project subject to "case by case assessment" - TV reception "assessment of the potentially affected dwellings, and at the request of any landholders of other dwellings"

I am at a loss as to understand why such a large number of contentious areas have been left 'for later'. With this large number of omissions from the EIS, there is no capacity for anyone to judge the full impact of Jupiter or not. Why have these studies not been conducted? Are these areas where there will be high impacts that only emerge following government approval of the EIS? This EIS should be rejected on the basis that it has omitted to consider a large number of potential impacts on the community. .

Wrong Claim of Providing Electricity

- Claim of sufficient power for 150,800 homes - calculate time per day needed to generate this amount of power - what about baseload power?
- E.19 - Conclusions - "contributing to the additional generating capacity required to meet the growing energy demand in NSW" - Australian Energy Regulator: Graph shows national electricity market has been declining peak demand since 2010-11 - EPA NSW Figure 3.4: Electricity consumption and demand forecasts, NSW and ACT shows decline in NSW electricity demand from 75,000 GWh in 2008-09 to below 70,000 GWh since 2011-12

The EIS claims that Jupiter will generate sufficient electricity to power more than 150,000 homes. This claim cannot be true because Jupiter will only generate power when wind is available at the right speed to allow the wind turbines to operate. What will happen to the power needs of these homes at other times? What power source will they rely on at those times? There will be a need for an alternative power source and in the current Australian grid this power will have to come from baseload coal-fired generation. Given that coal-fired power stations cannot be brought to production at short notice, this means they will have to continue to operate (ie burn coal) at all times, and that any saving of CO2 emissions will be minimal.

The claim of the EIS that Jupiter will contribute to meeting growing demand for electricity is also wrong. Electricity demand has been **declining** rather than increasing, as shown by information from the Australian Energy Regulator. Even if demand for electricity was increasing, because of the need for matching baseload generation, Jupiter will only make a marginal contribution to increased generation capacity. Indeed, as an

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intermittent source of electricity, Jupiter may increase grid instability, as has been the case with South Australia, particularly if coal-fired baseload power generation is retired.