



Reject the Harmful Jupiter Wind Farm Proposal

Residents Against Jupiter wind turbines

February 28th 2017

This objection is from Residents Against Jupiter wind turbines, a community group with more than 150 members.

The proposed Jupiter wind farm would be harmful to hundreds of people already living in the area. It would have an adverse impact on their lifestyles, on their enjoyment of their properties, in some cases on their sleep and health, and on the value of their properties.

It would also be harmful to the natural environment and in particular to the protection of native fauna.

It would also reduce the security of electricity supply in NSW contributing to risk to people and businesses throughout the State. It would also contribute to forcing up the price of electricity throughout the State, to line the pockets of a Spanish property developer.

The Jupiter proposal is bad for the local community and bad for NSW and its citizens. It serves only to benefit the developer and those helping promote the proposal. It should be unceremoniously rejected.

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Overview

The proposed Jupiter wind farm should be rejected for multiple strong reasons. They include:

- the impact on people living in the area, which has a particularly high number of impacted residents;
- the adverse effect on electricity security for the people of NSW;
- the contribution to increasing electricity prices caused by wind farms;
- the abysmal “consultation” by the proponent, which should preclude acceptance of any such project
- the environmental impact, including on important environmental corridors

Though the EIS has some very pretty pictures, the Jupiter proposal appears to be the worst developed, most error-ridden, most harmful and impractical wind farm development yet proposed in Australia.

Jupiter should not be approved given the large number of residents who will suffer adverse sleep, health, and lifestyle impacts as well as increased risk from wildfires and property devaluation.

No more wind farms should be built in the Southern Tablelands, let alone approved there, until NSW has conducted a comprehensive review and produced a plan to ensure the complete and ongoing integrity of electricity supply in NSW.

The Department’s whole requirement of consultation between developers (of any project) and local communities is a farce if it allows the Jupiter proposal to now proceed. It should be rejected as totally failing to consult meaningfully with the community.

The Jupiter wind farm would have major adverse environmental impacts which cannot be compensated for. The proposal should therefore be rejected.

Opposition to this harmful project has been profound and consistent since the project became public. That has been recognized and supported by local politicians and councils. The Department has been forced to adjust. The opposition has affected other proposals which, without Jupiter, might have slipped through. The opposition will not go away. If the proposal is approved, it will be fought every step of the way and the Department and Government will be sucked into a continual fight.

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Context

EPYC Pty Ltd has proposed the Jupiter wind farm for an area in the Southern Tablelands south of Tarago, NSW. The proposal is for 88 wind turbines, 173 metres high, spread out over an area of 5,000 hectares and spread over a distance of about 24 kms, north to south.

Officials from the Department of Planning, at a public meeting on December 7th, made the following statements:

- What is proposed are big industrial structures in a rural residential area
- The proposed turbines are 40 metres **higher** than the highest point of Sydney Harbour bridge
- Turbines that high are visible from 40 kms
- Among all the wind farms considered in NSW, Jupiter is at the "highest" level in terms of the number of residences that would be impacted

The proposed turbines are much bigger than the existing Capital and Woodlawn turbines. After approval, wind farms normally seek “modifications” to increase height, blade length and power. NSW has recently started approving 200 metre turbines. If approved, expect Jupiter to ultimately have turbines over 200 metres high.

The Environmental Impact Statement (EIS) says many residences will suffer a high visual impact. However, it claims this will be fixed if people plant trees to hide their view – it’s just a pity if you actually like the view you have.

The noise impact section of the EIS claims most of the hundreds of properties within 5 kms of the wind farm will not suffer noise exceeding the Department’s limits (which take little account of country quiet, especially at night). However, they tested background noise levels at only 13 points and for only one month of the year.

Impact on Residents

As noted, the Department says that this proposal is at the "highest" level in terms of the number of residences that would be impacted.

According to the EIS there are 140 dwellings within 3 kms. We know there are more than 250 residences within 5 kms and hundreds more not far beyond that distance. Plus there are large numbers of properties within those distances which have residence rights but have not been built on.

Residents near wind farms are adversely affected in many ways:

Visual impact, most have chosen to live in natural and/or rural surroundings. Many have views they prize which are important to their lifestyle. Numerous moving industrial structures 40 metres higher than Sydney Harbour Bridge destroy that peaceful character.

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Charlie Prell is an advocate for wind farms and an aspiring host for the Crookwell 2 wind farm. In October 2015, he was interviewed¹ by Louise Maher on the ABC about the proposed Jupiter wind farm, for which the first EIS had then been recently rejected.

During the interview, Ms Maher asked Mr Prell “How much of a visual impact would there have been?” To which Mr Prell replied “With turbines they’re very large, there will always be a large visual impact.”

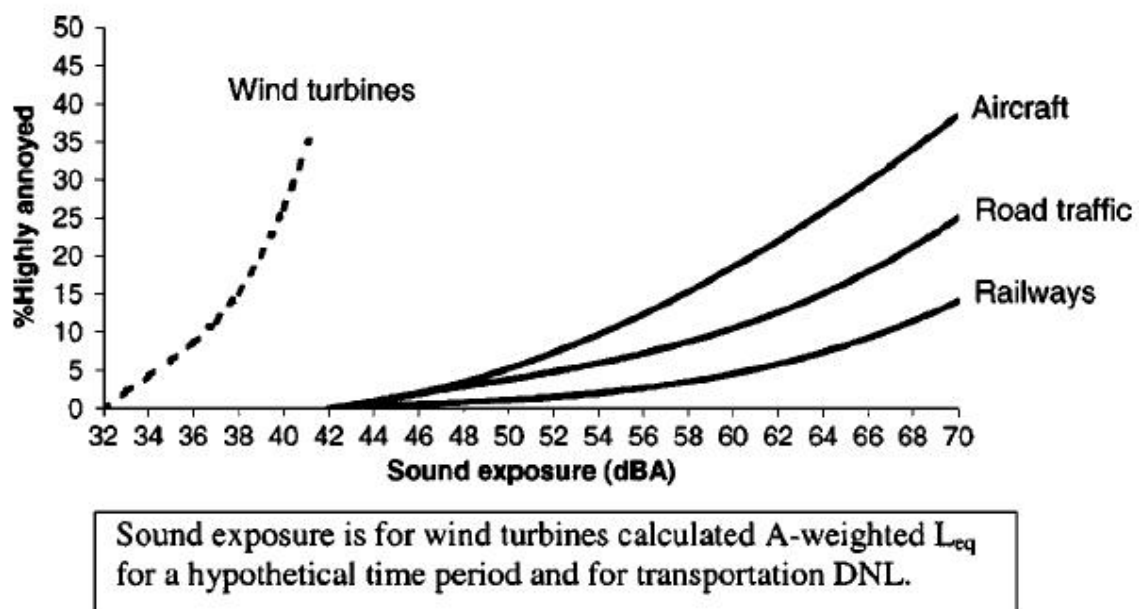
The EIS has identified a very large numbers of properties which will suddenly have wind turbines in their view. In a great many cases thirty, forty or more wind turbines would be visible. As Mr Prell has rightly noted, there will be “a large visual impact”, for a lot of people.

Noise impact affecting sleep, peaceful enjoyment of one’s property and, in some instances, causing headaches, nausea and long term harm to health. According to the National Wind Farm Commissioner, Andrew Dyer:

*There is **always** noise from wind farms*

though developers often claim there is not.

As shown in the graph below, scientific research shows wind farm noise is far more disturbing than noise, at the same loudness, from any other common source. That really matters when you are trying to sleep. That is why a number of people near wind farms have abandoned their homes (reported by the 2015 Australian Senate Select Committee on Wind Turbines).



Source Pedersen, E. and K. Persson Waye. 2004. *Perception and annoyance due to wind turbine noise: A dose-response relationship*, Journal of the Acoustical Society of America 116: 3460–3470.

The graph shows that almost no one is annoyed by aircraft, railway or road traffic noise until its loudness rises above 42 dBA **BUT more than one third of people are highly annoyed by**

¹ Mr Prell was interviewed by Louise Maher on the ABC on Oct 29th, 2015. Comments are from recording of the interview.

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wind farm noise at 42 dBA and about 7% are highly annoyed at 35dBA. And it gets worse from there.

Not everyone is affected by wind farm noise, and for those who are affected it is not necessarily all the time. Multiple factors are involved: atmospheric conditions, wind speed and direction, wind shear, terrain, and the fact it is the result of noise emitted by multiple turbines simultaneously and those noise sources are more than 100m in the air. Consequently, residences up to 10 kms from the nearest turbine have been found to suffer excessive levels of noise, especially low frequency noise².

Sleep deprivation is one of the common tools used in torture regimes. It is also one of the most common complaints from people living near wind farms.

The EIS for Jupiter does not produce separate noise forecasts for night and day. Of course it is the night time noise which is often most important since that is the period when people are trying to sleep and also the time when it is otherwise normally quietest.

In addition there is blasting and other construction noise over the years of construction.

Property Devaluation. There is property devaluation, particularly in rural residential areas. Many people are simply unable to sell their properties at a price that will allow them to move elsewhere. So they stay locked in their homes and their devalued properties do not appear in government and market statistics.

Most people do not want to live near a wind farm. We have yet to find anyone who specifically wants to move to be near a wind farm. The property devaluation is therefore inevitable.

Serious traffic hazards as many huge transports take over narrow local roads. During construction, over several years, there is a massive increase in industrial traffic, hauling big construction equipment, materials for the massive concrete foundations, other building materials and of course the turbines, their towers and blades.

This traffic occurs on roads not built for that purpose and which are used by local residents going about their normal business and for school buses, with bus stops located along the road placing children at risk. It is, of course, not just the volume of additional traffic but its nature, with numerous long and wide loads that have been reported at other wind farms forcing passing cars off the road.

Wildfire Risk. The locality has just experienced two major wildfires. One started near the site of the proposed Jupiter wind farm and burned out about 500 hectares. The other (Currandooley Fire) started on the Capital wind farm, within a day it travelled 12 kms to the east burning more than 3,000 hectares. It ravaged many properties before being stopped just on the edge of a substantial rural residential development area and within the Jupiter project area.

In both cases aerial firefighting was critical in protecting properties, as it was with the nearby Sandhills Road fire a few years earlier. Because Jupiter is so close to a large number of non-

² See for instance "Noise Monitoring in the Vicinity of the Waterloo Wind Farm", by Kristy Hansen, Branko Zajamsek and Colin Hansen, from the University of Adelaide School of Mechanical Engineering, May 26, 2014.

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associated residences (with many residences being between parts of the wind farm), there is a real concern about the ability to bring aerial firefighting to effectively protect residences, their people and on-the-ground firefighters in that locality.

The EIS claims:

“An assessment of the potential bush fire risks was undertaken by ERM and determined that the risk of fire from wind farm developments is considered low given the on-board control systems designed to mitigate the risk of fire.”³

That misses the main issue, which is the impact of turbines on fire fighting, and the potential for wind farms or other industrial structures in these environments to cause fires. The Currandooley fire, for instance, has been attributed by the RFS to ignition of a bird by wind farm power lines⁴, which then fell on nearby grass and led to an out of control fire. The fire occurred only because of the existence of the wind farm irrespective of what part of the wind farm caused the fire. Infigen did not anticipate this cause and protect against it. ERM can make no valid claim that whoever owns Jupiter will anticipate and protect against all means of fire ignition related to that wind farm.

In its “Risk Assessment”⁵, the EIS claims that the likelihood of impact on “the aerial based water application for fighting bushfires” is *Rare*, and the consequence is *Moderate*, leading to an assessed risk level of Low. In relation to impact on fire risk and “bushfire management capabilities”, likelihood is claimed to be *Rare*, the consequence *Major* and the risk level *Moderate*.

The assertion in the EIS that the likelihood of an adverse impact on aerial firefighting or bushfire management is “Rare” has no substantiation, is contrary to events not just in the most recent few months but in previous years. There is no evidence of competence by the developer’s consultants in evaluating this most critical matter which puts lives and properties at risk.

The RFS refers to wildfires and distinguishes between two broad categories, grass fires and bush fires (the latter being fires in areas of heavy vegetation, i.e. trees and shrubs). Both are dangerous, with bush fires typically being more difficult to access and grass fires spreading more rapidly. The recent Boro Road and Currandooley fires were both predominantly grass fires which also ignited areas of bush land. The assessment of fire risk provided in the EIS appears to focus on areas of bush and ignore the more widespread grasslands, including those around the wind farm site, which are the means of the rapid spreading of wildfires.

Anyone who observed fire fighting at the Boro Road and Currandooley fires saw helicopters, light aircraft and supertankers used for aerial fire fighting all flying at heights of 40 – 50 metres above the ground, i.e. a fraction of the height of the proposed turbines.

The developer and its consultants claim to have had some chats with members of the RFS but the RFS has no record of either a formal request for advice from the developer and its consultants or of the RFS providing such advice. (See the attached GIPA response from the RFS). So DPE is expected to rely on whatever aspects of claimed conversations someone has decided to include in the EIS.

³ *Jupiter Wind Farm EIS*, p. E.18.

⁴ <http://www.goulburnpost.com.au/story/4416425/bird-caused-currandooley-fire/>

⁵ *Jupiter Wind Farm EIS*, p. 8.5.

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The failure of the developer to formally seek such advice and instead rely on the word-smithing of its consultants about the wildfire risks displays an appalling disregard for the safety of individuals living in the area around the proposed wind farm, or in many cases living between parts of the proposed wind farm.

Jupiter should not be approved given the large number of residents who will suffer adverse sleep, health, and lifestyle impacts as well as increased risk from wildfires and property devaluation.

Impact on NSW electricity security

As South Australia has now demonstrated, when your electricity supply becomes dependent on wind farms, you have guaranteed blackouts. One of the critical responsibilities of a state government is to ensure reliable power. Because politicians ignored engineers who identified the risks, South Australia now has recurrent blackouts as will NSW if Jupiter and other wind farms go ahead in NSW.

Wind farms operate intermittently, i.e. only when the wind is blowing – as long as it is not blowing too fast. In order to provide security of supply there have to be other power plants able to start (and stop) at a moment's notice when the wind suddenly drops off or suddenly blows too hard for the wind farms.

Because wind farms are subsidised, while other power plants are not, wind farms gradually make existing coal-fired plants uneconomic, so they close, leaving no adequate backup.

In fact the situation is even more dire. An electricity grid needs “spinning supply” generators operating continuously to ensure the characteristics of the electricity throughout the whole NSW (and eastern seaboard) grid are kept precisely within particular bounds (voltage, frequency) on a second-by-second basis. Wind farms are technically unable to ever do that. So as they drive out existing coal-fired stations the whole grid becomes more likely to fail.

For several years, despite its increasing use of wind farms, South Australia bludged on Victoria and NSW to provide coal-fired backup. Then it closed its last coal-fired power station and that was “the straw that broke the camel's back”. Victoria has now announced the intended closure of the large Hazelwood coal-fired power station which will take more backup out of the system affecting NSW as well as Victoria, South Australia and Queensland.

Having a large number of wind farms does not provide certainty of stable supply, especially when they are concentrated in particular geographic localities. The national manager of the electricity market (AEMO) produces continuous data on electricity output from all generators. That data shows it is quite common for all wind farms to be producing very little or no electricity. That is because Australia's weather patterns produce similar results over very large areas. So if there is no wind at one wind farm it is also likely there is no wind at all other wind farms in a large geographic area.

Most of the wind farms approved and built in NSW are concentrated in one relatively small geographic area, the Southern Tablelands. Wind farms in NSW are even more geographically concentrated than in South Australia. That produces very high exposure to weather in one area ensuring that the total wind generated electricity supply in NSW will often go out together. Once one or two more coal-fired power stations are retired in NSW (driven out by

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subsidised wind electricity) the South Australian blackout experience will be inevitable in NSW.

No more wind farms should be built in the Southern Tablelands, let alone approved there, until NSW has conducted a comprehensive review and produced a plan to ensure the complete and ongoing integrity of electricity supply in NSW.

Impact on NSW electricity prices

Throughout Australia and the world, states and countries with the highest levels of wind farm adoption end up with the highest electricity prices. In Australia, the highest prices are in South Australia and as more wind farms are built in other states their electricity prices are also being forced up.

The lower a person's income, the higher the proportion of their income they tend to spend on electricity. So increased electricity prices hit pensioners, low income earners and battlers the hardest, though everyone is affected.

The problem is not just electricity prices for consumers but for business, driving industry out of the state and out of Australia, destroying good jobs.

It is a state government responsibility to ensure not just security of electricity supply but affordable electricity. The NSW Government needs to be held to that responsibility.

The Jupiter wind farm proposal should be rejected since it will force up electricity prices in the state, harm most citizens and destroy industry and blue collar jobs.

Abysmal “consultation” by developer

The NSW Planning Department has a long list of complaints about EPYC made by members of the local community alleging false or misleading communication, failure to provide information requested about the wind farm, and failure to pay attention to and respond to the concerns expressed by members of the local community.

In October 2015, the Department of Planning rejected the first EIS submitted by EPYC. The first reason given for the rejection by the Department of Planning in its letter to EPYC, said:

“Inadequate consultation with affected non-host landowners”

At the public meeting held by the Department on December 7th, 2016, attendees complained about continuing terrible consultation by EPYC. When asked what had changed from its previous letter the Department could offer no explanation other than it thought it better to exhibit the EIS so uncertainty could be removed.

Charlie Prell is a host for the proposed Crookwell 2 wind farm and an organiser for the Australian Wind Alliance (i.e. the body that represents wind farms and people who support wind farms). On Oct 29th, 2015 Mr Prell was interviewed by Louise Maher on the ABC about the rejection of the first Jupiter EIS. The following interchange occurred:

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CP (Charlie Prell): 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.

LM (Louise Maher): How were they lacking?

CP: They needed to consult the whole community, not just the proposed hosts of the turbines.

LM: So there were no community meetings?

CP: There were plenty of community meetings but by consult I mean they should try and get an ownership model for this wind farm which incorporates the whole community not just the hosts of the turbines.

Recently the Goulburn Post reported (Dec 13th, 2016) an interview with Mr Prell after the second EIS was publicly released. The report said:

The fourth-generation farmer, who has been a vocal supporter of renewable energy in regional towns, said a lot of the opposition began with EPYC, the Australian-Spanish company that plans to build the wind farm.

"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."

So a wind industry spokesperson says consultation has been abysmal. Locals say it has been abysmal. The Department previously said it was inadequate but has now apparently decided that abysmal is the best EPYC is capable of – so the Department has allowed the EIS to proceed.

The Department's whole requirement of consultation between developers (of any project) and local communities is a farce if it allows the Jupiter proposal to now proceed. It should be rejected as totally failing to consult meaningfully with the community.

Environmental Impact

The proposed wind farm will have a substantial adverse impact on the natural environment and on fauna. There are many environmental problems with it.

The NSW Government recognises that most wind farms will disrupt the environment where they are located. It is common for the Government to accept a nonsense proposal that the developer promises to set aside another block of land, which was never going to be altered in any case, and promise that block will be undisturbed.

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Jupiter interferes with several habitat corridors, i.e. corridors via which fauna have historically moved through the area, either heading towards the coast and back, or in other directions. These are critical to the lifecycle of those fauna.

Setting aside another plot of land does nothing to offset the obstruction of a habitat corridor which basically destroys the corridor or uses it to direct avifauna into turbines for their destruction.

The Jupiter wind farm would have major adverse environmental impacts which cannot be compensated for. The proposal should therefore be rejected.

Local Opposition to Jupiter Proposal

From the time the local community became aware of the Jupiter proposal in early 2014 there has been strong community opposition.

Members of the community (note, **not** EPYC) organised a public meeting on 9 February 2014 at the Tarago Hall to share what was known and share views. Approximately 200 people attended. Those in attendance were overwhelmingly hostile to the proposal. Pru Goward MP, NSW Member for Goulburn and Angus Taylor MP, Federal Member for Hume attended and spoke in support of those opposing the wind turbine development.

A second community initiated public meeting was held at the Tarago Hall on 18 February 2014. John Barilaro, Member for Monaro, was present and spoke to the meeting. There were three outcomes:

- a group galvanised (later to be named Residents Against Jupiter wind turbines, or RAJwt) to take action
- interest sub-groups were formed
- DPE was requested to organise an election for community representatives on the Community Consultative Committee (CCC)

As a result, the following resolutions from the meeting were sent to the DPE:

- *all representatives of the local community on the Consultative Committee for Jupiter should be democratically chosen by the affected community, and proposed a means of so doing, with the resolution to be conveyed to the NSW government and the Palerang and Goulburn-Mulwaree Councils.*
- *the State Government ensure the community has at least 12 months to evaluate the EIS from EPYC and prepare and submit a detailed response.*
- *the State Government require EPYC to fund the community's evaluation and response to EPYC's submissions to the government.*

Palerang Council subsequently voted to support the motions approved overwhelmingly at that public meeting.

Incidentally, EPYC had been invited to the second meeting but declined to attend, allegedly on the basis of concern about their physical safety. Over the past three years they have been repeatedly in the area but appear not to have suffered any harm from the community.

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The failure by EPYC to attend is consistent with their behaviour since then, i.e. an unwillingness to meet with the community at large in a single group where information could be shared consistently.

Initially DPE refused to comply with the 2011 Guidelines and appoint the Community Consultative Committee in the way required by the Guidelines, claiming the Guidelines were “only draft”, apparently being more comfortable with what was then the practice of developers setting up their own tame CCCs.

The community refused to accept this and mounted a very active campaign to have a CCC set up in a genuinely independent manner. The community forced the establishment of a CCC prior to circulation of an EIS in an attempt to gain more open access to information about Jupiter. It took DPE 12 months to respond and DPE was forced to replace their original chair nominee because of public evidence indicating pro wind farm bias – again brought to the fore by the local community.

Following this pressure from the local community and direction from then Minister Goward, the Department eventually complied with the 2011 Draft Wind Farm Guidelines and established a Community Consultative Committee in a manner consistent with those guidelines. There were approximately 40 nominees for community representative positions on the CCC (which the Department acknowledges as unusual) and, as the Department knows, most of those individuals were concerned about the proposal.

Examination of the minutes of the CCC meetings shows that questions and comments by the community reps, appointed by the Department through its process, do not show any support for the project but rather ongoing concern about it and frustration at the inability to get straight answers from EPYC.

On December 7th, 2016, the Department organised a public information session. Despite the meeting being at short notice and at a time inconvenient for people who live locally but work in Canberra, more than 150 people attended. The Department knows from the questions and comments made at the meeting that most who attended were opposed to the proposal.

As noted, MPs Pru Goward, John Barilaro and Angus Taylor attended the early meetings and have received subsequent representations from the community. Thus local MPs are well aware of the strong local opposition to the proposed Jupiter wind farm, as is the Department from its own direct exposure and from the multiple communications it has received from many people in the area.

ACT Government Got the Message

As part of its target of achieving 90% renewable energy for the ACT, on 12 March 2014 ACT Minister for Environment, Simon Corbell announced the Government would hold an auction for contracts to power “80,000 Canberra homes” with wind energy originating from wind farms surrounding Canberra⁶.

Due to that announcement and the proposed Jupiter wind farm, in September 2014 RAJwt prepared a petition to present to the ACT Legislative Assembly and the NSW Government, with the following terms:

⁶ <http://www.abc.net.au/news/2014-03-12/act-to-source-wind-power-from-nsw/5314338>

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This Petition of citizens of New South Wales and Australian Capital Territory brings to the attention of the House that:

- 1. We as residents of NSW and the Southern Tablelands are not in favour of industrial wind turbines in non-industrial zoned areas.*
- 2. Industrial wind farms will impact on the health, visual amenity of our community, our land values and lifestyle.*
- 3. If the Australian Capital Territory government wants wind power it should build the facilities in the Australian Capital Territory.*
- 4. Industrial wind turbines not be built within 5 kilometres of any dwelling.*

The undersigned petitioners therefore ask the Legislative Assembly to

- Stop approving/sponsoring industrial wind turbines being built in non-industrial areas.*
- Require that industrial wind turbines not be built within 5 kilometres of any dwelling.*
- Require that if the Australian Capital Territory government wants wind power, then the wind turbines should be built in the Australian Capital Territory.*

The petition was signed by a remarkable 652 local people, including many from Bungendore who already have direct experience of wind farms.

The petition was presented to the ACT Legislative Assembly on 16 September and forwarded to the NSW Government via John Barilaro, MP. At the time of presentation to the ACT Legislative Assembly, a protest was mounted by residents threatened by Jupiter and other wind farms in the ACT region.

We subsequently advised the ACT Government of the large number of objections lodged with DPE against proposed Capital 2 modifications, which indicated local resistance to that wind farm contrary to beliefs previously expressed by the ACT Government.

On 6 February 2015 Minister Corbell announced that the 'reverse auction' had resulted in contracts to three wind farm projects, two in Victoria and one in South Australia – and ***none in the region near the ACT.***

In a subsequent auction in August 2016, the ACT awarded contracts to several other wind farms, the nearest of which (Crookwell 2) is more than 100 kms from Canberra. The Capital 2 wind farm, which is near the proposed Jupiter wind farm site and was approved more than 5 years ago, was not successful in either of the ACT's renewable energy supply auctions.

So despite the original expectation of the ACT sourcing renewable energy from nearby wind farms, that failed to happen following strong local objections.

It is also noteworthy that the ACT's criteria for evaluating bids for its renewable energy supply contracts included a 20% weighting for "Local Community Engagement".⁷

⁷ <http://www.environment.act.gov.au/energy/cleaner-energy/how-do-the-acts-renewable-energy-reverse-auctions-work>

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When announcing the results of the 2015 auction, ACT Minister Corbell noted “The auction outcome has also set a new benchmark for wind farm community engagement practices in Australia and should provide a strong incentive for new projects to engage with local communities in a more meaningful and co-operative manner, for the benefit of proponents and communities alike.”⁸

The ACT Government had apparently got the message that there is strong resistance to further wind farms in the region around Canberra, and chose to take its business elsewhere. That resistance has not reduced. And the resistance to Jupiter is certainly stronger than that to Capital 2, given the greater intensity of residential dwellings within 5 kms of Jupiter.

Palerang Council Knew of Strong Opposition

The strong opposition to the Jupiter wind farm proposal has been known to authorities for years. For instance, in March 2014, shortly after the Jupiter proposal was publicly announced, the *Canberra Times* reported⁹:

“At Bungendore, council general manager Peter Bascomb said community support depended on location. The 110-turbine Jupiter project near Tarago was causing huge concern, but the Capital 2 project was further from houses.”

Disregard of Local Opposition by EPYC

So the General Manager of Palerang Council knew early in 2014 that there was “huge concern” about Jupiter, but the proponent disregarded that concern and kept pushing ahead.

It might be noted that by early 2014, EPYC had spent about \$3million on the proposal¹⁰. It had spent \$3 million without making the community generally aware of its intent and gauging the level of opposition that would exist.

Once the matter was forced into the public domain (due to DPE issuing DGRS at end of January 2014), the strong public opposition became quite visible (e.g. at the public meetings in February 2014). Despite that, EPYC has since spent another \$3.5-4 million¹¹ trying to bulldoze its project through.

Whilst this additional expenditure has no doubt been good for the sundry consultants and other beneficiaries, one might wonder whether the Spanish company (Pryconsa) providing most of this extra \$4 million has been well advised about the extent of local opposition and the local situation (e.g. relatively high rural residential population density) which would engender strong opposition.

Opposition to this harmful project has been profound and consistent since the project became public. That has been recognized and supported by local politicians and councils.

⁸ http://www.cmd.act.gov.au/open_government/inform/act_government_media_releases/corbell/2015/wind-auction-result-delivers-renewable-energy-and-economic-benefits-to-the-act

⁹ <http://www.canberratimes.com.au/act-news/wind-energy-to-power-80000-canberra-homes-20140311-34kox.html>

¹⁰ EPYC Pty Limited Financial Report for year ended 30 June 2014, p. 9 shows retained profits as a loss of \$3.2 million.

¹¹ EPYC Pty Limited Financial Reports for year ended 30 June 2016, p. 10 shows retained profits as a loss of \$6.4 million, at which point it was spending at the rate of about \$1.4 million p.a., so it would have added a further loss of \$0.6 – 0.9 million between 30 June 2016 and early 2017.

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The Department has been forced to adjust. The opposition has affected other proposals which, without Jupiter, might have slipped through. The opposition will not go away. If the proposal is approved, it will be fought every step of the way and the Department and Government will be sucked into a continual fight.

Conclusion

The proposed Jupiter wind farm would be harmful to hundreds of people already living in the area. It would have an adverse impact on their lifestyles, on their enjoyment of their properties, in some cases on their sleep and health, and on the value of their properties.

It would also be harmful to the natural environment and in particular to the protection of native fauna.

It would also reduce the security of electricity supply in NSW contributing to risk to people and businesses throughout the State. It would also contribute to forcing up the price of electricity throughout the State, to line the pockets of a Spanish property developer.

The Jupiter proposal is bad for the local community and bad for NSW and its citizens. It serves only to benefit the developer and those helping promote the proposal. It should be unceremoniously rejected.



NSW RURAL FIRE SERVICE



Dr Michael Crawford
426 Barnet Drive
BORO NSW 2622

Our reference: R17/252;

15 February 2017

Dear Dr Crawford

Notice of Decision – Government Information (Public Access) Act 2009 (GIPA Act)

I am writing to advise you of the outcome of your recent application to access information held by the NSW Rural Fire Service regarding the following:

"EPYC PTY LTD has lodged a DAVEIS for the proposed Jupiter wind farm near Tarago. Bushfire and fire fighting risks are one aspect of the EIS. I request a copy of all advice material the RFS has provided EPYC, or its agents (E.G. ERM) in relation to risks and firefighting associated with Jupiter and its broad vicinity (E.G. within 5kms)."

Enclosed is the Notice of Decision which outlines my determination.

In summary, the NSW Rural Fire Service has conducted comprehensive searches and has been unable to locate information falling within the scope of your request.

I have therefore determined that, pursuant to section 58(1)(b) of the GIPA Act, the information you requested is not held by the NSW Rural Fire Service.

Your application took approximately 3 hours to process. Your \$30.00 application fee covered the first 2 hours and I have decided to waive further charges.

If you do not agree with this determination, you may wish to exercise your rights of review. These rights and the steps you may take to exercise them are detailed in the attached fact sheet published by the Information and Privacy Commission.

If you have any questions about this process, please contact a NSW RFS Officer on (02) 8741 5280.

Yours sincerely

Harinniya Bhogal

**Manager, Legal and Government Information
Right to Information Officer**

- Encl:
1. Notice of Decision
 2. IPC Fact Sheet – Your review rights under the GIPA Act

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1. Summary of access application

On 18 January 2017 the NSW Rural Fire Service (NSW RFS) received your access application under the *Government Information (Public Access) Act 2009* (GIPA Act). You asked for information regarding:

"EPYC PTY LTD has lodged a DAVEIS for the proposed Jupiter wind farm near Tarago. Bushfire and fire fighting risks are one aspect of the EIS. I request a copy of all advice material the RFS has provided EPYC, or its agents (E.G. ERM) in relation to risks and firefighting associated with Jupiter and its broad vicinity (E.G. within 5kms)."

2. Decision

I am authorised by the principal officer, for the purposes of section 9(3) of the GIPA Act, to decide your access application.

The NSW Rural Fire Service has conducted comprehensive searches and has been unable to locate information falling within the scope of your request.

Pursuant to section 58(1)(b) of the GIPA Act, the information you requested is not held by the NSW Rural Fire Service.

This Notice of Decision outlines the reasons for this decision and any important questions of fact underlying those reasons.

You can ask for a review of this decision. For details about how to do so, see part 8 of this Notice.

3. Searches for information

Under the GIPA Act, an agency must conduct reasonable searches for the government information requested. A search of NSW RFS records was undertaken by the NSW RFS Lake George District office and Planning and Environment Services of the NSW RFS to identify all government information falling within the scope of your request.

No documents falling within the scope of the request were found.