

Submission Opposing the Application by EPYC Pty Ltd  
for Consent by the State of New South Wales  
to a Project of State Significance,  
Application ID – SSD 13\_6277,  
By Richard David Graham, a Party with Standing  
Prepared: 28 February 2017

# Contents

Introduction .....	4
Submission Extension .....	4
A Party of Standing .....	4
Wind is Today's New Alternative Energy .....	6
When Real Cost Isn't Met by the Beneficiaries.....	7
Wind Turbine Generators are Polluters.....	7
The Mind Is a Delicate Thing.....	8
Proponent Failed to Contact Me. ....	9
Failure of Proponent to Properly Account in the EIS.....	10
Jemana Eastern Gas Distribution .....	10
Australian Signals Cable .....	12
Five Airstrips Ignored in EIS.....	12
Electricity Generation Is Not an Agricultural Activity .....	14
Electricity Generation is a Zone Change, Not a Zone Use.....	16
60 Years is a Very Long Time.....	18
Denouncing Screening as an Equitable Solution.....	19
My New Home Site .....	20
Rebuilding the Northern Homestead After Fire .....	23
It's Dwelling Entitlements, Not Dwellings.....	25
Landtasia's Organic Small Farm Plans vs. Jupiter's Big Turbine Fans .....	26
Positive Externalities – Food Security – Good Health.....	26
Mrs Gladys William's Property – J197 .....	28
Crown Road Reserve – Lot 107 .....	29
Hazeldell Road Dangerous Northern Intersection.....	30
Conclusion.....	31
Alternative Conditions .....	32
Epilogue.....	34
Professional Planning Opinion .....	34
Jupiter Windfarm and Relevant Planning Documents.....	34
Rural Lands Strategy – former Palerang LGA.....	34
Palerang LEP 2014.....	35
Palerang DCP 2015.....	35

## Figure Table

Figure 1: Satellite View – Relationship of Landtasia to Proposed Development.....	5
Figure 2: Long Beach, California 1930 – Government Cleared the Decks for Oil Developers .....	6
Figure 3: Every Production Process Has Pollution. Making the creator responsible, minimises it. ....	7
Figure 4: West Landtasia Looking Eastward .....	9
Figure 5: Eastern Gas Pipeline Sign - Lot 105.....	10
Figure 6: Eastern Gas Pipeline Easement – Dissects Proposed Southern Turbine Cluster .....	11
Figure 7: Landtasia Depends on a Variety of Aerial Support .....	12
Figure 8: SIXmaps - Landtasia Southern Airstrip.....	13
Figure 9: Landtasia Northern Airstrip Landing Approach Path .....	13
Figure 10: Landtasia Work Area Within 380 mtrs of Proposed Turbine Array .....	15
Figure 11: Industrialisation of Southern Tablelands by Stealth.....	16
Figure 12: Industrialising Southern Tablelands - Rezoning Without Consultation .....	17
Figure 13: Landtasia’s \$6M Ecotourism Investment.....	19
Figure 14: From home site looking eastward .....	20
Figure 15: Proposed Southern Cluster from new Landtasia Homestead Site.....	20
Figure 16: Blinking Aviation Avoidance Lighting - Directly at Height of Bedrooms .....	21
Figure 17: Elevations for New Homestead on DP 1130078 Lot 11 .....	22
Figure 18: Northern View after Fire-affected Trees Are Removed.....	23
Figure 19: Extreme Visual Impact on Northern Homestead.....	23
Figure 20: Turbines as Dusk – An End to Sunsets .....	24
Figure 21: Worst Case Scenario - The Full Monty.....	24
Figure 22: Spring Shadows Cast from Proposed Southern Cluster.....	27
Figure 23: Mrs Williams Homestead – Extremely Impacted.....	28
Figure 24: Road Not Aligned with Road Reserve - .....	29
Figure 25: Dangerous Intersection - Hazeldell and Braidwood Roads.....	30

## Introduction

My name is Richard David Graham. My home address is 1151 Braidwood Road, Boro, NSW 2622. I first began living in Mulloon Parish in 1994.

I am a local agricultural primary producer, global technology developer, and local businessman.

I have prepared this submission that fully opposes the Application ("Application"), to the NSW Department of Planning and Environment ("Department"), by EPYC Pty Ltd ("Proponent" or "EPYC") for the approval of an aerial electricity generation precinct identified in the Application as "Jupiter Wind Farm" ("Proposed Development" or "Jupiter"), as a Project of State Significant Development ("SSD").

## Submission Extension

On January, 17<sup>th</sup> this year, I lost my home, much farm infrastructure and some livestock in fire that was initiated at the foot of an aerial electricity generator located in the Capital Wind Farm complex at Currandooley. My insurer has estimated the replaceable loss as approaching \$2,000,000.

As a result, there have been material demands on my time and I have been without the personal infrastructure support so valuable to have to hand when researching for and writing an effective submission. Accordingly, I take advantage of the extension in time extended by the Department for parties effected by that fire to make a submission on this matter by March 1<sup>st</sup>. I write this submission in a statutory declaration style.

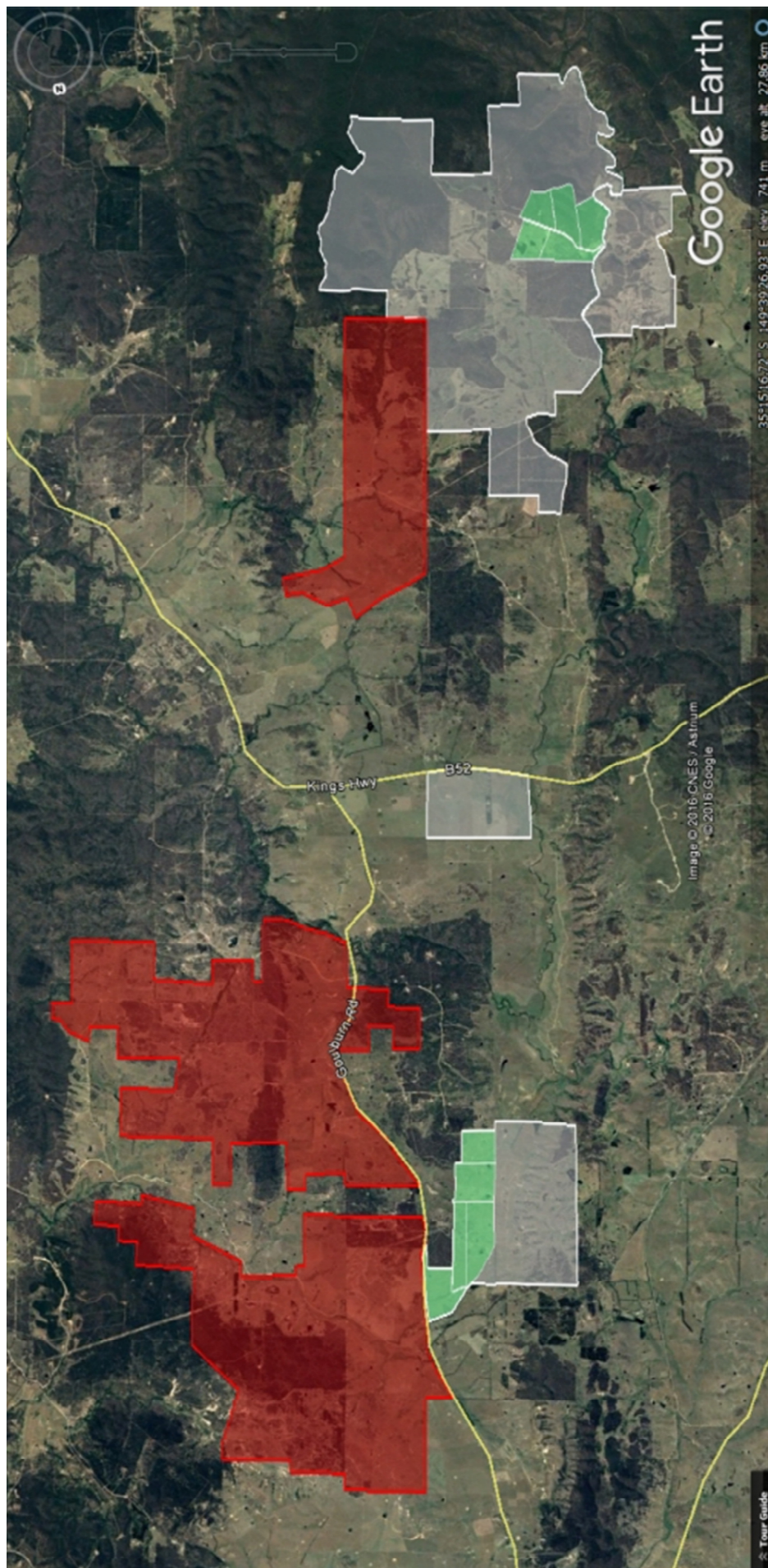
I say that time hasn't permitted me to have read the Environmental Impact Statement for the Proposed Development in its entirety. My approach in this submission is to focus primarily on the adverse consequences, were the Application to be approved, upon myself, my interests, the environment, my neighbours, and the community at large. However even given my unforeseen hurdles, I seek to express in this submission salient matters and consequences a reasonable person could project as outcomes were this Application approved.

## A Party of Standing

I have standing in this matter on several grounds.

1. I am an effected resident who lives in close proximity to the Proposed Development.
2. I am a significant property owner of more than 10,000 acres of agricultural and prime scenic land, with property closely paralleling the Proposed Development, from its most northern to its most southern extents, including 4.0 kms of adjoining boundaries.
3. I have invested more than \$18,000,000 since 1996 (excluding land acquisition costs), in the improvement and evolution of Landtasia, in anticipation of future commercial benefit in the fields of Small Lot Organic Agriculture, Agritourism, Ecotourism and associated Hospitality.
4. I was an Elected Member of Palerang Council for two terms, from 2008 to 2016. I participated in the development of the Council's cornerstone planning instruments, the Palerang Local Environmental Plan and Development Control Plan.
5. I will suffer significant adverse financial consequences if the Proposed Development is approved.
6. I and others who may stay on my property may suffer significant adverse health and wellbeing consequences if the Proposed Development is approved.
7. I have been a member of the greater local and regional community for more than two decades.





**Figure 1: Satellite View – Relationship of Landtasia to Proposed Development**  
 Landtasia in White & Green - Proposed Development in Red

## Wind is Today's New Alternative Energy

Alternative energy generation is a good thing and the EIS articulates the well-known issues facing our environment, which a reduction in fossil fuel combustion will benefit from. I do not dispute any of this. In fact, I expound it.

However, wind energy isn't the first alternative energy to be embraced by governments and their policy makers, with generous subsidies that externalise the development costs from the participating commercial proponents to the non-participating communities around which they emerged.

Looking back at the last century we can see the enthusiasm with which petroleum drilling ran rampant, blackening landscapes and sentencing otherwise beautiful landscapes and communities to become dirty, impoverished industrial precincts for over half a century.



**Figure 2: Long Beach, California 1930 – Government Cleared the Decks for Oil Developers**

**Petroleum, the Alt-Energy of Its Day – Ruined many beautiful places for half a century.**

The community of Long Beach, California comes to mind. And even long after the oil had run out and the filthy, long under-maintained derricks had been dismantled, the community, another half a century further on, is still catching up to other like-localities not graced by that alternative energy opportunity .

Alternative energies are regularly emerging. Coal was the alternative energy that fired the industrial revolution and saved forests. Petroleum made energy transportable and save whales from extinction for their 'lamp oil' lipids. Then natural gas clean things up and made distribution even easier, while nuclear was the alt-energy that powered-up many post-WWII economies around the world. Now there's solar and wind. Tomorrow there will be something newer. With each new alt-energy, the time between introductions is shortening.

In each case, the new energy was prescribed by cabals of industrialist, their bankers, their scientific spokesmen, and government lobbyists as the next great thing; so much so that barriers should be removed and concessions granted to make it easy for investors to capitalise on it.

The repeated consequences were the creation of negative externalities where the full and real cost of the development wasn't born by the development's investors. Larger portions of the cost were born by non-commercially involved landowners, tax payers, and the loss of greater economic potential that existed in the development area before the development 'had the tracks cleared' by government decree.



## When Real Cost Isn't Met by the Beneficiaries

The enthusiastic partnership of governments and industrialist for negative externalities is not limited to alternative energy, but as we can see in the 20<sup>th</sup> century, covered virtually every kind of pollution known to mankind, in the name of 'economic growth' and 'jobs'.

At their hands, humanity saw great rivers and lakes polluted to near terminal positions; blue skies polluted with toxic gases to sickening levels; and pristine land polluted with unsustainable biocides to points where humanly beneficial biota succumbed to non-beneficial variants. All along this timeline of externality enthusiasm, the pandemics of environmentally related diseases can be tracked –auto-immune, bio-regulatory, psychological identity, and adverse changes in disease vectors.

At the time, all of the externalised community disruptions and environmental pollution was deemed acceptable and containable by their cheerleaders. The waterways, the atmosphere, the wide-open-spaces were so big, so natural, that no individual factory or precinct of factories or processes, could make a dent in them. And for a while they were 'right'; but then they were wrong.

And now with this Application, we face those issues again, but with a new and in many ways bigger technology, with its own set of unrecognised or denied harmful pollutions, for which its investors are asking the State to externalise the costs onto those who live in proximity to the Development, not onto investors who will financially benefit or their product's consumers. Will the State learn from history or repeat it?

Cigarettes were harmful and carcinogenic even while their producers, their scientific spokesmen, and politicians denied they had any harmful effects. Asbestos was harmful and carcinogenic even while their producers, their scientific spokesmen, and politicians denied they had any harmful effects. Lead paints were harmful and carcinogenic even while their producers, their scientific spokesmen, and politicians denied they had any harmful effects. These novel, well promoted, and comforting household items didn't become harmful because one day their cheerleaders decided to acknowledge the reality the morticians knew for decades.

They were always harmful. They were always polluting.

## Wind Turbine Generators are Polluters

Aerial electricity generation has harmful by-product pollution just as its earlier alt-energy forebears did. Their producers, their scientific spokesmen, and supportive politicians deny any harmful effects that can't be mitigated. In the 1940's and 1950's there were credible harbingers of the carcinogenic connections of tobacco, asbestos, and lead to humans, but they were shouted down as crackpots, and purveyors of unproven speculation and god-forbid 'alternative medicine'.

In the case of wind turbine generators, the '1940's and 1950's-like' harbingers are already here and crowing loud and clear. These giant machines produce infra-sound, rhythmic and arrhythmic sub-sonic percussive bursts (air pressure fluctuations), overshadow, light flicker, light glint, micro-climate change, wake turbulence & aerodynamic noise, habitat destruction, wildlife disorientation, and importantly disrupt human proportionality and orientation to landscapes ("Place") to mention a few of the significant pollutions. And just as occurred with cigarettes, their producers and authorities are providing scientific studies that say in effect, "move along now, nothing to see here".



**Figure 3: Every Production Process Has Pollution.  
Making the creator responsible, minimises it.**

**When developers don't pay for pollution, the public does.**

The above-mentioned collateral by-products are not disputed by their makers or their political cheerleaders. Infra-sound, “Tick.”; Rhythmic and arrhythmic sub-sonic percussive bursts, “Got it.”; Blade light glint, “Yep, know about that.”. The problem is:

1. they don’t admit or recognise it is pollution; and
2. that if it was pollution, they say that you can just distance yourself from it and it couldn’t possibly effect you; and,
3. if it might affect you, it can be mitigated with a combination of some temporary tokenistic solution from the developer and some long-term significant trespass and loss of rights and amenity for a non-commercial effected party; and
4. if we acknowledge this pollution now, what liability might we have for all the approvals already granted; best for us to kick it down the road for another generation to deal with.

It isn’t a matter if harm is produced, it’s just a matter of waiting for the body count to confirm it.

However, this pollution is different than the environmental pollution of tar, asbestos, and lead that effects human body organs. These wind turbine pollution vectors of light, sound, and orientation are cerebral in nature. The proof will not likely come with physical body count, but mental illness.

An unlike the past examples of pollution that government gave the tick to, cattle don’t smoke, sheep don’t live in asbestos quarters, and wildlife don’t paint their environs with lead paint. However, these new forms of pollutions – wind turbine pollution – will make no distinction between man or beast. Whatever harm these pollutions’ eventual statistics confirm, all species will have been exposed to them.

### **The Mind Is a Delicate Thing**

It doesn’t take a neuro scientist to understand that our mind (or brain if you prefer) is an organ that depends on and is constantly determining its situation based on sensory inputs and legacy instream hormones and chemicals careening around the body based on its last situational assessment.

Sound, light, and percussion are not nothing to the mind, they are something. It is not a dull instrument, requiring megadoses of input to register. It can sense, assess, and make next-move determinations on barely measurable datum.

We are living in a time of an epidemic of mental illness. The expression of some sort of mental illness is close to every household - depression, identity disorders and control disorders. The modern mind is already working with a legacy of physical environmental toxicity and compromise. Some of us are handling it better than others, but no one is immune.

If approved, this is a development that will dramatically change the locality for a lifetime – 60 years.

While proponents may argue there is such a high urgency to get more wind farm electricity online that hypothetical precautions shouldn’t be given credence. But the turbine related black-out events during the past year in South Australia, the turbine associated fires such as Currandooley, the growing research in Wind Turbine Syndrome, and the accelerated pace of technology innovation in the field would argue to hasten slowly.

This is an assessment the Department needs to get very right. I argue that the proponent’s motherhood objective of minimising environmental impacts to the “extent practicable” through unverified management plans is contrary to the precautionary principle, one of the six key elements of the ecologically sustainable development concept that underpins the Environment Protection and Assessment Act.

## Proponent Failed to Contact Me

I have noted the Proponents declarations in Section 5 and 6 of Appendix B of the EIS, and while I would have met more than one of their stated criteria for contact and consultation, no consultation has ever occurred.

Despite the materiality of my property holdings vis a vis the Proposed Development precinct, both in terms of size and proximity, no person representing the Proponent has ever effectively contacted me for an appointment, met or spoken with me person-to-person or via telephone in that role. There has been no oral exchange or written correspondence from the Proponent to me personally or my representatives.

Given other land owners have also reported a similar failure to communicate, this may be indicative of their methods. My identity and holdings are known in the community, and my telephone, email and postal contact information have been on three websites throughout all relevant times.<sup>1</sup>

I can recall one anonymous call I received perhaps as early as 2010 from a man who asked if I was interested in leasing my land for wind turbines. He said he represented Iranian and Spanish principals, but didn't identify who he was or what firm he was associated with. I said I was unlikely to be interested, but suggested he send me a written proposition and I would read it.

There was one more brief call to me, I think about a week later. This time it was a woman. She said basically the same thing the earlier caller said. I told her the man had called and what I said to him. I reiterated to her that if there was something they wanted me to consider, to put it in writing. The call ended as before, not knowing the caller's name or whom she was associated with. No correspondence ever came from either caller.

About a week after that call, I had reason to visit Mr Tony Coote, a neighbour and another large property owner in the area. In passing, I mentioned these odd calls that I had. He said he thought the same the man had also called him. Tony said he responded in a similar way to me, and had not received any correspondence either.

In terms of generic indirect contact with the Proponent, I have attended meetings organised by the community and have been present at a presentation made to Palerang Council whilst a Councillor. There was also an associated Q&A session before Council, which if my memory serves me right was a lot more Q than A.



Figure 4: West Landtasia Looking Eastward

The Proponent seeks to put 13 turbines left of the rainbow.

---

<sup>1</sup> [www.RichardGraham.com.au](http://www.RichardGraham.com.au), [www.Landtasia.com](http://www.Landtasia.com), [www.thecarringtoninn.com.au](http://www.thecarringtoninn.com.au), as well as [www.Palerang.gov.nsw.au](http://www.Palerang.gov.nsw.au)

## Failure of Proponent to Properly Account in the EIS

It may be out of that initial failure on the part of the Proponent to successfully engage with me, that accounts for their second failure of not properly accounting for my holdings and other material matters of interested parties, public safety, and what in effect would be a confiscation of other parties' equity, in their EIS.

### Jemana Eastern Gas Distribution

There is no mention in the EIS of the registered easement that dissects the proposed location for the southern cluster of 13 giant aerial electricity generating machines.

The easement is for the major Eastern Gas Distribution pipeline and has been in place for several years. There is no assessment or indication of the risks involved with the construction and operation of (initially) 13 massive turbine structures within a few hundred metres of a major natural gas pipeline. There is no consideration of dealing with a catastrophic event such as an explosion in the nacelle and its resulting dislocation from a height of 100 metres onto the pipeline, or perhaps where a tower to topple onto the pipeline.

There is no presentation of how the Eastern Gas Distribution Pipeline operator, Jemana, would potentially maintain their critical infrastructure asset in a co-habitation situation with the Proposed Development operator.

Given the pipeline, how would the Applicant propose the (initial) 6 turbines of the southern array on Lot 107 be connected to the 7 machines on Lot 105? Currently that is proposed to be underground. As the pipeline completely dissects the property on an east/west axis, will high-voltage cables and the gas pipeline cross underground, or will the Proponent now propose the high-voltage goes aerially across on the property? If the latter, how well do aerial high-voltage cables go in the middle of an active and large turbine field, say when a blade-throw encounters the cable? In that situation, what is the potential for a ground fire event and effective response to it?



Figure 5: Eastern Gas Pipeline Sign - Lot 105

What if the gas pipeline has a catastrophic explosion event on the property? What effect could that have on the turbines? Under what force might they topple? Might a gas pipeline explosion ignite blades and nacelle? If so what is the risk to surrounding residents, the property owner, and other public infrastructure?

The pipeline not only transits across the Proposed Development, it continues east and west for hundreds of kilometres. An adverse event on the proposed site could have a catastrophic chain reaction effect on adjoining properties including Mrs William's, Landtasia, Butmaroo Station and others, whom also have property easements for the same pipeline.

The absence of this profoundly significant matter must go directly to the centre of the competence of the Developer and their EIS submission. There are over 50 above-ground signs traversing the property that cannot be missed. Yet, EPYC has missed them or suppressed them. Why?

This is a serious omission from the EIS which the Department should find even more disconcerting than the community does, as it represents not only the suppression of serious disclosure to the Department and the Minister, but contempt as well.



**Figure 6: Eastern Gas Pipeline Easement – Dissects Proposed Southern Turbine Cluster**

## Australian Signals Cable

Aside from the obvious above ground signs identifying the Eastern Gas Pipeline, I became aware of the easement around 2007 when I was negotiating with Mr Walter Raynolds to purchase his property. It was then that he gave me a copy of that easement document.

However, if my memory serves me right, I also recall Mr Raynolds telling me there was an unrecorded easement, or perhaps it was a parallel-use of the Jemena (then Duke Energy) easement, to carry a set of secure fibre optic cables from Sydney to Canberra. The matter was not listed because of the sensitive nature of the particular asset.

If that is correct, then EPYC has not consulted with the operator or beneficiary of that critical national infrastructure asset, despite it having the reasonable potential of being informed by its lessor of it. Does the Proposed Development increase risks to an asset of state, either by the gas pipeline having more risk factors, or from the proposed construction processes, or from the change of use from farm to industrial site? How would the Department or the beneficiary of the cables know if the EIS doesn't cover it?

## Five Landing Airstrips Ignored in EIS

I say that the EIS is misleading or intentionally obfuscating a critical matter when it states:

“There are a number of uncertified/unregistered airfields located within 30 NM of the proposed wind farm. Bungendore, Currandooley, Gundaroo and Braidwood airfields are located within this area ...”; and

“Other unregistered/uncertified private airstrips and landing grounds may be located within 30 NM of the wind farm area, none of which have an OLS and are not noted in aeronautical charts or documents for the region.”

By such statements, the EIS obfuscates that there are five operational airstrips whose flight paths are directly blocked or dangerously impeded by turbines in the Proposed Development. There are two on Landtasia (one at the northern division and the other as the southern division), one on Mr Coote's Durralla Station, and two in the Barnett estate. Four of them are set out on NSW topographical maps.

The northern Landtasia airstrip is 900 mtrs in length and within 1,300 metres of proposed turbine 73. It is barricaded by the proposed northern cluster array. The southern Landtasia strip is also 900 mtrs in length and is located within 2,300 metres of proposed turbine 62. The proposed southern turbine field would make it extremely dangerous to land or take-off from this airstrip. One of the Barnett airstrips is about 730 mtrs in length and is 2,750 mtrs from proposed turbine 67, and approximately 3,400 mtr from proposed turbines 17 and 60. The other Barnett airstrip is 2,350 mtrs from turbine 68. In both situations, proposed turbines significantly interfere with a safe flight path.

The Landtasia airstrips, have been established for over 40 years, and are used for agricultural activities, long-distant farm visitations, recreation, and civil aviation productivity. They are an integral part of the properties' past and future operations. The current density and grouping of the proposed turbine arrays would have the effect of confiscating of this asset from us, which is not acceptable.



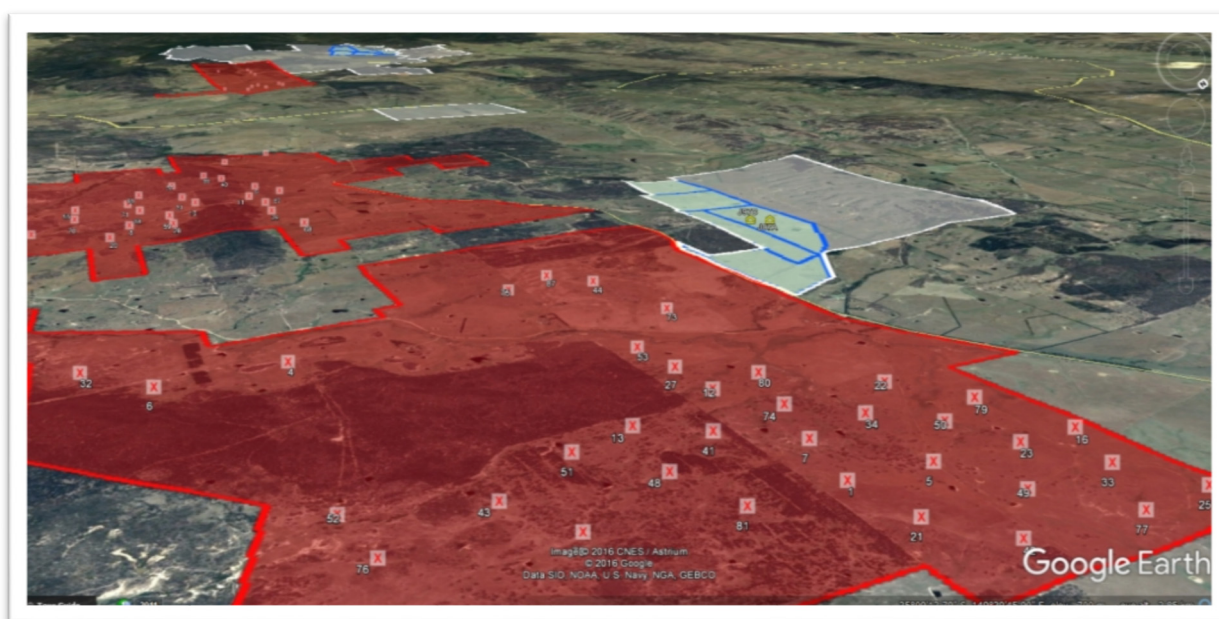
Figure 7: Landtasia Depends on a Variety of Aerial Support



The EIS also sets up another externality they would like the Department to expunge - their responsibility in the matter of local aviation safety. They write, "Pilots operating at such airstrips retain sole responsibility for ensuring that they are aware of the conditions on and surrounding these landing sites." While these words are stating the obvious, it hides the fact that the Proposed Development will make local civil aviation safety very hazardous, if even possible.



**Figure 8: SIXmaps - Landtasia Southern Airstrip**



**Figure 9: Landtasia Northern Airstrip Landing Approach Path**

## Electricity Generation Is Not an Agricultural Activity

While I understand the Proponent is relying on the Infrastructure SEPP to gain approval for the Proposed Development, it is clear they are trying to soften their land use change request, by identifying EPYC's industrial activity as a rural activity, more or less consistent with the objects of the RU1 Primary Production zone of the Palerang LEP.

As one of the nine Elected Members of Palerang Council who worked closely with the Palerang Council Planning Department, I would know better than many, not only the resulting LEP, but also how it evolved. For six years this leadership team participated in a thorough, step-by-step drafting of the LEP. All meetings of Council were open to the public, who had the opportunity at each meeting to speak and influence the outcome of the LEP. The resulting planning instrument represents as well as any such planning instrument can, the most accurate gestalt possible of this community's definition of Place now and into the foreseeable future.

The Primary Production Zone – RU1 – does not permit commercial electricity generation enterprises such as proposed by the Proponent. This is not an oversight on the part of Council and the community they represent, it was intentional, and came out of the extensive community participation during the LEP's development.

It was the overall community's interest to have Palerang's RU1 Zone be a pastoral locality with a flexibility of uses to allow traditional and progressive grazing, cropping, horticulture, beekeeping, dairying, eco-tourism, and agricultural value-add support services. Commercial electricity generation was considered during the debates regarding RU1 uses, and was not adopted by Council. Its exclusion was not an unintentional omission.

The Proposed Development is not an agricultural activity or a Permitted Use any more than if the Applicant were proposing a nuclear or coal power as the motive force behind the generators. Furthermore, the Proposed Development fails on a test of Objectives for the zone. While the term 'primary industry' is used on four occasions in the LEP, it was not a defined term. However, in the context of its use, and in consideration of the community consultation process that informed the creation of the LEP, the term should first and foremost be read as 'Agricultural Primary Production'.

The following are the Objectives of the RU1 Zone as set out in the Palerang LEP:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To minimise the impact of any development on the natural environment.
- To ensure that development does not unreasonably increase the demand for public services or facilities.

Regarding the Proposed Development's fit with those Objectives:

1. It does not maintain and enhance the natural resource base, which in this context refers to the soil, water and flora surface resource base. Nor is it a primary industrial production activity that can do so. As set out in the LEP definitions, "Rural Industries are not a type of industry". Rather the term refers to traditional rural enterprises, processes, and services.
2. It does not offer a primary industry diversification with systems that are appropriate for the area.

3. It increases agricultural fragmentation rather than minimising it.
4. Rather than minimising conflict between land uses within the zone, it amplifies them to levels not before known in this community.
5. It has a long-term adverse impact on the natural environment on, above and below the ground.
6. It is reasonable to project that the Proposed Development will directly and indirectly increase demands for public services including but not limited to, road maintenance, fire services, community health services, and policing.

The Development proposed by the Proponent fails on all RU1 Primary Production zone objectives.

In addition, it is apparent from the settlement pattern of the area, that it has to a large extent also become a defacto RU4 – Rural Small Holdings – Zone, which complements the agriculture objectives of the RU1 zone. Goulburn Mulwaree Council’s plan for their portion of Mt. Fairy to be RU4 is further validation of this. For better or worse, this is the reality on the ground. The Applicant can’t change that nor should it ask the Department and the Planning Commission to ignore it, to the dislocation of the people who have settled there; many for decades.



**Figure 10: Landtasia Work Area Within 380 mtrs of Proposed Turbine Array**

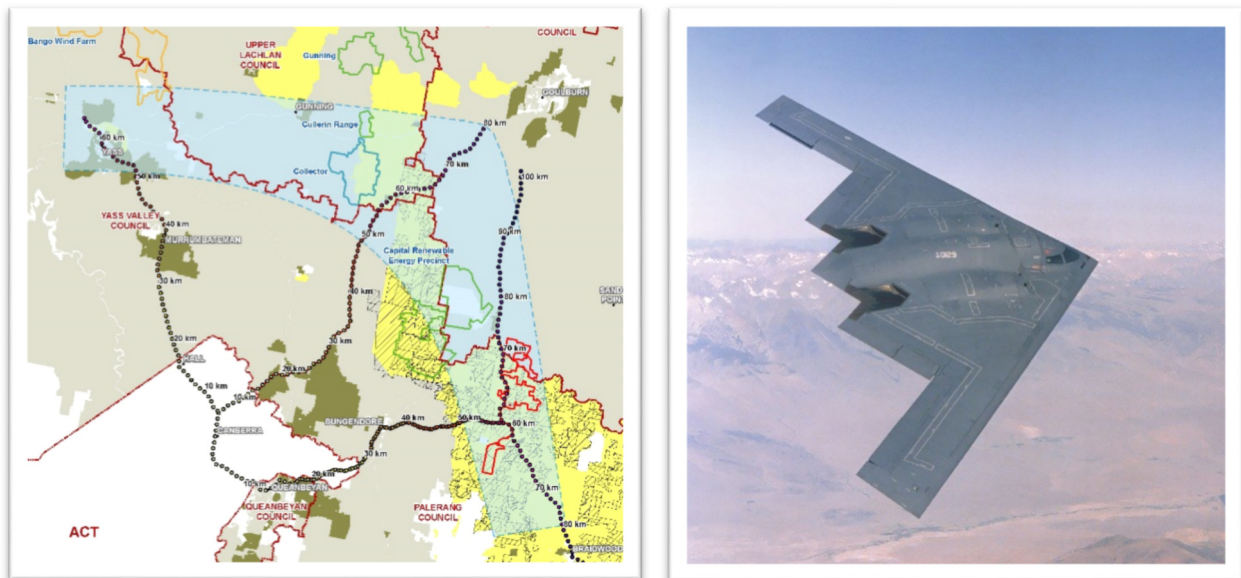
What are the risks of blade-throw, ice-throw, or other incidents that could harm Landtasia personnel and visitors?



## Electricity Generation is a Zone Change, Not a Zone Use

An objective view of the ambitions of the commercial and political proponents of this Application is a massive 5,000 sq km stealth rezoning of pastoral primary production to large-scale industrialization, with the externalities of cost and pollution put upon the residents, land owners and tax payers for an even greater affected area.

In the EIS's Figure 4.11 illustration, - "Minimum Lot Sizes of Surrounding Rural Lands in Proximity to Canberra" - we get a glimpse of this in the form of an overlay that literally looks like the Northrop Grumman B-2 Stealth Bomber, the world's most lethal killing machine. Is this some bureaucrat's idea of a cruel joke, or perhaps our Canberra elites showing disdain for their country cousins?



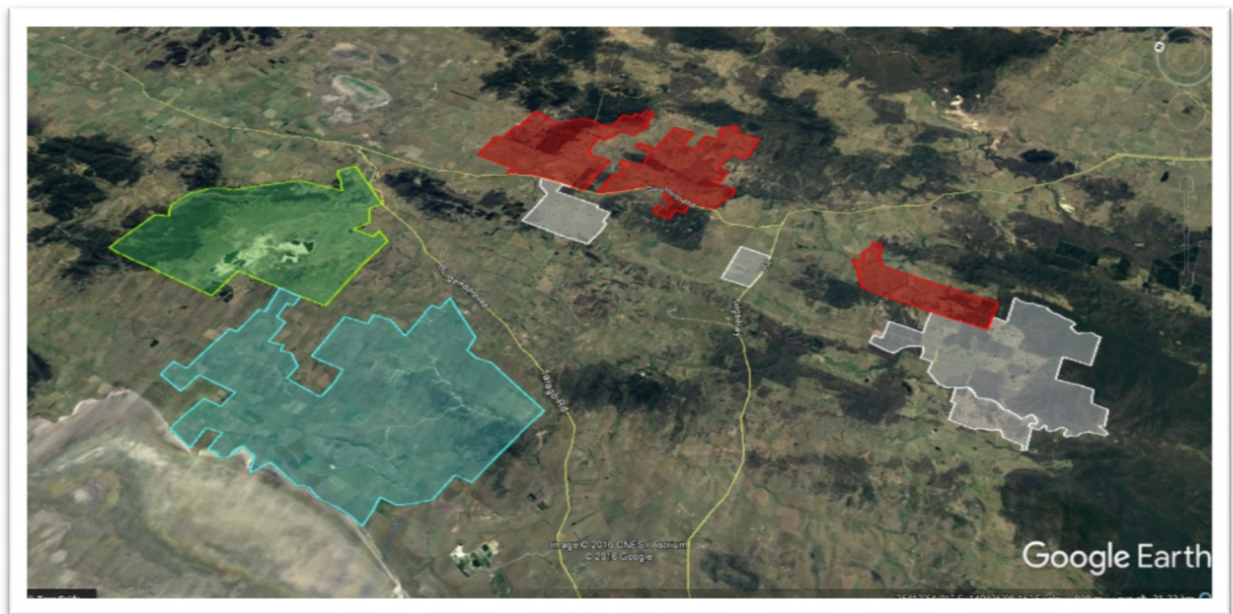
**Figure 11: Industrialisation of Southern Tablelands Without Consent by Stealth.**

The Proposal alone seeks to use the Infrastructure SEPP to re-zone 51 sq. kilometres of RU1 to a locally unapproved industrial use, against the will of the residents and the Council. However, if it is the goal of the invisible hand to turn the stealth demarcation set out in the EIS's Figure 4.11 into a precinct for aerial electricity generation, then that takes the rezoning to 2,400 sq. kilometres, or 4,900 sq. kilometres if a 5km Visual Impact zone is added in.

I can't speak for the residents of other LGAs, but I do know through the LEP drafting process, that the people of former Palerang would not accept this defacto rezoning, whether proposed by their own Council or State, much less the ACT government.

The Department and Planning Commission should reject the Application for being markedly divergent from the local planning instruments and the vision and expectation of Place held by both the directly affected residents and the community at large.

There may be urban enthusiasm for wind generated power; that is understandable. But if the Development externalised costs and hardships onto others, then the cost of the electricity will be understated to the consumers, and there will be less motivation for usage curtailment. Were the investors genuine in all their flowery good deed sentiments, they would find a location for their ambitions which has the support of all affected parties. They would do that by either finding a less densely populated area; by reaching truly commercial compensation terms with unwilling parties; or by leasing or purchasing enough property to deal with the pollution of their production processes to mention a few.



**Figure 12: Industrialising Southern Tablelands - Rezoning Without Consultation**

If the Proposed Development was approved, Mulloon Parish would be surrounded.  
**Capital in Blue | Woodlawn in Green | Proposed Jupiter in Red | Landtasia in White**

## 60 Years is a Very Long Time

Sixty years is a very long time to condemn an innocent community to live inside a gigantic and growing industrial site. A polluting industrial site that has come without benefit to the effected people, of the investment insight that long-term government planning strategy is intended to provide.

To the contrary, the State government's long-term planning strategies that are available to the public, such as the Sydney to Canberra Corridor Strategy, set out a continuance of this LGA to be a lovely pastoral setting with relatively low density residential occupation. I and hundreds, if not thousands, of other land owners and enterprise investors have relied upon the NSW State's and the State's LGA administration's implied and explicit undertakings in such matters before investing here.

Many local people, like myself, have been making steady increases in the financial investments they have made to their properties and endeavours in and around the Proposed Development area. Endeavours which may have anticipated a big shed, or a petrol station, or some other kind of development to pinch a bit of their view or add a small but harmless bit of sound to their Place. But, never ever, would they, could they, have anticipated what this Application is proposing or that the Department is assessing.

I have read many of the opposition submissions that have already been lodged. In my reading of them, they are not pleadings of people who were playing the odds of some iffy rezoning proposal and just got caught out. These are people who have made lifelong commitments after considering zoning instruments, legacy continuity of use of land in the area, State strategy for the area, and their own aspirations for a lifestyle that created well-being for them and their families.

I have been given a signed copy of the EPYC hosting lease. (See Attachments Annexure) Amongst other things, the lease is for a 30-year term, with a 30-year renewal, which only EPYC or its nominee can rescind.

Furthermore, it allows for the expansion of the number of turbines on the properties, and has no restrictions on the size of the turbines initially installed or that might be upgraded to during the course of the lease.

In the Lease, EPYC also seems to go to extremes to indicate they may not be around once construction begins, by providing numerous obligations on the Lessor to accept their assignment of the Lease and their obligations to other parties. So not only is this EIS flawed in the many ways enumerated by the submissions, such as there being no turbines actually specified to base their performance forecasts upon, but if their Lease is anything to go by, they won't even be around past the first year of operation, much less the 60<sup>th</sup> year.

If the State views this Application as a "Project of State Significance Development", then the local community views it as a project of Gargantuan Dread and Never-Ending Dismay. We are the disaffected parties whom, were this Application to be approved, will be irrevocably harmed because of the trespass, nuisance, negligence, and breach of public duties that action would represent.

The Department should reject the Application as the Proponent has not been able to gain majority support from non-hosting parties in the community to the substantial and dramatic industrialisation of their Place, which this Proposed Development would cause.



## Denouncing Screening as an Equitable Solution

I denounce and reject the proposition put forth by EPYC and brokered by the Department, that planting screening bushes and trees is an equitable solution, a quid pro quo for the loss of amenity and quite enjoyment of my property, all my property, for the trespass, nuisance, pollution exposure and emotional anguish and mental hardships the so-called Jupiter Wind Farm will cause me and others involved with my property now and in the future.

The proposition is scurrilous and beyond the space words would take in this submission to fully set out. But any expectation on the part of the Developer or the State, of dozens of land owners giving up their full vistas, their auditory enjoyment of nature, and their physical wellbeing for some bushes that will entomb them in their dwellings, is immature at best and corrupt at worse.

It's analogous to a criminal chopping off someone's hand because it was in the way of a door they wanted to go through. Then offering the victim a glove to cover up the bloody stump. I couldn't get this analogy closer if I tried harder, unless I were to add that there were standers-by from the alt-energy faction patting the crim on the back saying, "gee that's big of you".



**Figure 13: Landtasia's \$6M Ecotourism Investment**  
Would be ruined by turbines in the background.

## My New Home Site

Around 2009 I commenced the architectural planning for a new home at the Landtasia southern division. I chose the best location on the property for its vista, sheltered from the westerly winds, proximity to our airstrip, and close access to Mulloon Road. The location is on DP 1130078 Lot 11

It took a few years to sort out all the issues, but by 2012 the designs were completed by the architect for a large two-story home with basement. The home would be eastern facing, looking over and beyond my neighbour's (Mr Walter Reynolds) property, toward the sea.



Figure 14: From New Home Site Looking Eastward

However, about the same time, I learn that Mr Reynolds had signed a lease to explore the possibilities of putting wind turbines onto his property. That was a great disappointment to learn and put me in an unenviable position of double-jeopardy. On the one hand if I were to proceed to build my new home, I could have all my amenity and my wellbeing crushed were turbines to be installed on his land. On the other hand, were I not to build it, I could be seen as not having the resolve that I do have for that location, and turbines be approved for erection because of that.

This is not a fair position for the State's procedures to put me or any other person in. I recently took professional advice that confirms I do have Residential Rights and have filed a DA for the development, which is on foot with QPRC.

As stated earlier in this submission, EPYC has never communicated directly with me. Had they done so, they would have known about this significant residence.



Figure 15: Proposed Southern Cluster from New Landtasia Homestead Site



The residence will be built at an approximate elevation of 820mtrs AHD, and take advantage of the breathtaking view of the landscape. It is 2,130 metres west of the Proposed Development turbine 62, whose base is at an elevation of 738 mtrs AHD. Aside from the unacceptable pollution from the aerial machines, five of the six nacelles in the southern most array are proposed to have aviation night lights. These very bright lights would shine and blink intensely into the home and into the eastern bedrooms. Furthermore, the ZVI diagrams in the LCVIA indicate I would see 60+ turbines to tip height and 30+ at hub height.



**Figure 16: Blinking Aviation Avoidance Lighting Directly at Height of Bedrooms**

The EIS states the development is 24/7 operation. That applies to the pollution and nuisance too.

From the residence and its curtilage each of the six closest turbines in that southern array will be clearly visible in entirety, with the Visual Impact being Extreme.

The Department should take into consideration that I am not willing to cede my rights to EPYC, accept their trespass, or suffer interference from any party that would facilitate intentional damage to my economic interests.

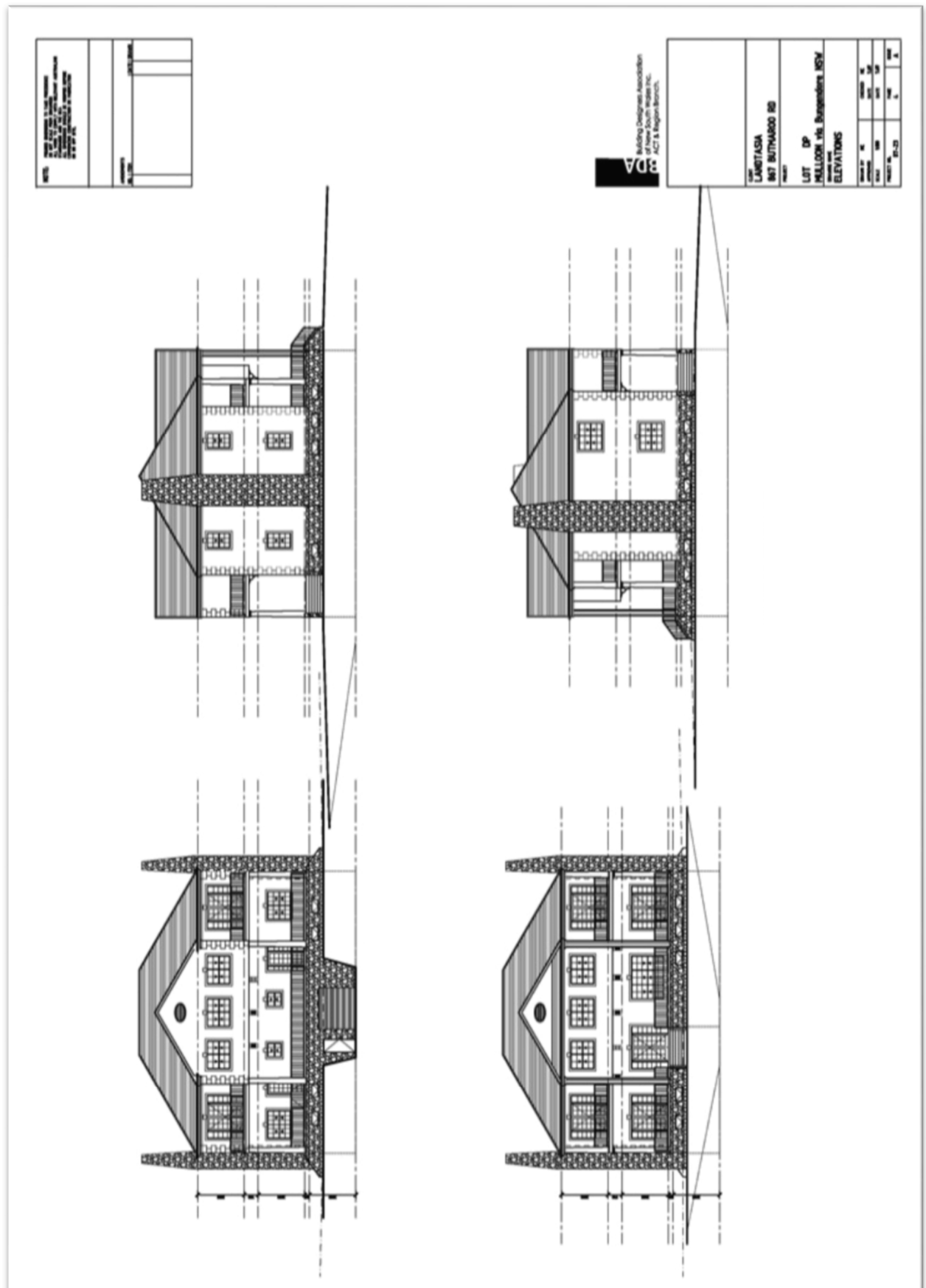
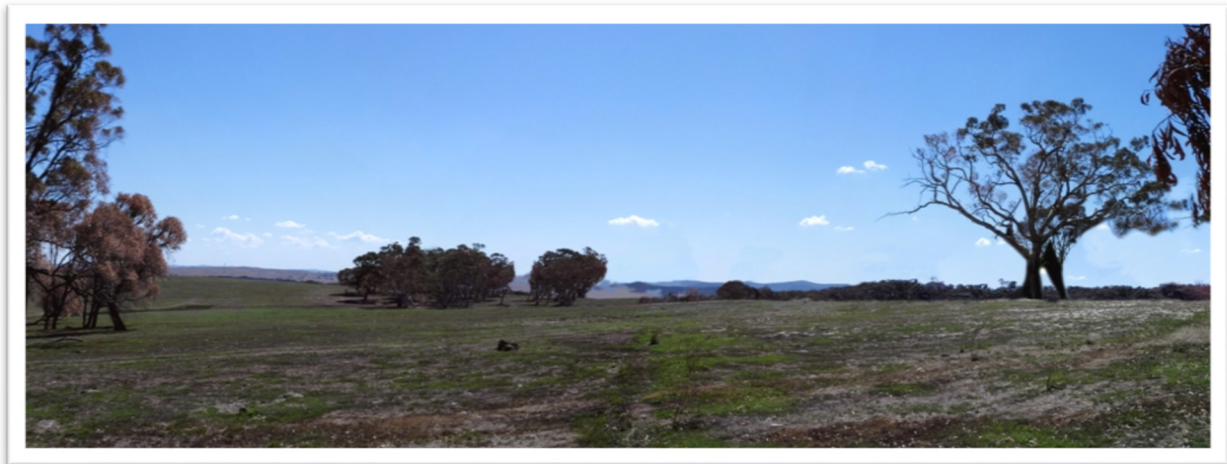


Figure 17: Elevations for New Homestead on DP 1130078 Lot 11

## Rebuilding the Northern Homestead

On January 17th this year, my current home was burnt to the ground by a fire that ignited at the foot of aerial electricity generators located due west of Landtasia northern division. That home is identified as J97A in the EIS documents. I call it the Northern Homestead.

The view from that location is a beautiful northerly vista of about 160 degrees. From it I can see the EPYC “Met Tower” located near Tarago. Were the Proposed Development approved, virtually all the northern array cluster would be in my site with an Extreme Visual Impact.



**Figure 18: Northern View after Fire-affected Trees Are Removed**

Given the location of the Northern Homestead and the dense and overlapping arrangement of 33 turbines in the proposed northern array cluster, I would expect to see a virtual fence of spinning steel. The same density and overlapping would no doubt create an intense arrhythmic flicker, glint, and strobing that the EIS doesn't report, while the same siting plan would create complex and amplified air pressure changes and infrasound that the EIS has not sought to identify or forecast.

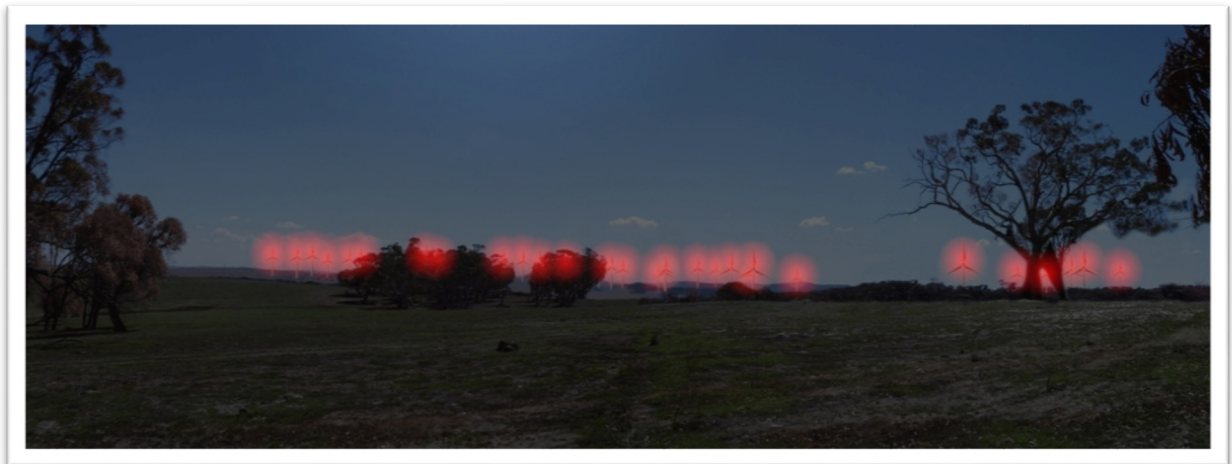


**Figure 19: Extreme Visual Impact on Northern Homestead**

Given my research on the matter, I am concerned by the possibility of immediate and long-term mental and physical harm that could occur to people and animals who would reside in the rebuilt residence for the next 60 years of the development's operation.

I seek to make clear to the Department for its assessment, and the Minister in his/her determination that such harm isn't inherent in my property, but is inherent in the Proposed Development. While to me, this matter is Extreme and seriously upsetting, I can see from the residential maps in the EIS, that there are more residents facing similar injury and loss of amenity were the Application approved.

It is not reasonable that so many people must suffer, for the creation of a commercial development, which according to research on the matter will yield the operator an EBITDA profit in the vicinity of \$100M per year.



**Figure 20: Turbines as Dusk – The Death of Dark Skies**



**Figure 21: Worst Case Scenario - The Full Monty**

We will not know until Spring the full extent of the tree damage caused by the recent fire. There is the potential that most of the small grove to the northeast of the house site may be root-dead. If so, they will need to be removed, leaving the vista pictured in Figure 21.



## It's Dwelling Entitlements, Not Dwellings

The Proposed Development is not a development that is able to contain its pollution by-products with its designated sites or within the building envelopes set out in the local planning instruments.

The State proposes to consider this Application against guidelines which amongst other things test impacts on dwellings within 3km of a proposed mechanical aerial electricity generator.

I attended a community meeting conducted by the Department in December at Tarago. During discussion and the Q&A, the Department indicated it would be primarily assessing actual dwelling locations, then secondarily locations with approved DAs, and lastly and with some reluctance, lodged but not approved DA. The matter of assessing building entitlements was raised, and my recollection of the Department's response was somewhat vague, saying something to the effect of dwelling entitlements was a can of worms for them.

Well, can of worms or not, these are equitable rights that are easy to identify, exist at law, could be effected by the visual change to the landscape and trespass of other pollutions inherent in the Proposed Development in the event the Proposed Development were approved. Accordingly, they must be considered in order to ascertain the full cost the Proponent is seeking to externalise, or alternatively, the costs the Proponent needs to negotiate and come to grips with in order to be fully responsible for their development and its by-products.

As Landtasia is a large property, it has over 100 40ha dwelling entitlements, as well as the 5 built homesteads on the property. In addition, Landtasia's northern and southern divisions have eight lots that were subdivided with dwelling entitlements which I purchased while building up the holding. When a property is subdivided, registered with Land Titles, is given its own postal address, and is of a size that includes a building entitlement, then the Department needs to acknowledge that land has Residential Rights, and for this assessment is a dwelling location. To do otherwise is to be seen as gerrymandering the results in the favour of the commercial developer. Whether a physical dwelling is there or not, is a matter of timing, not rights or intent.

Of the eight already subdivided lots with building entitlements and separate postal addresses, four of them parallel the Proposed Development's northern precinct with full exposure to the two array clusters there. The Lots' boundaries and the boundary of the proposed precincts are adjoining at places (separated by road only) while the average distance is about 660 metres. (See Attachments Annexure). All of these locations will have an Extreme exposure to the Proposed Development. These Lots will have virtually no natural mitigation of the visual impacts and pollution from the development.

## Landtasia's Organic Small Farm Plans vs. Jupiter's Big Turbine Fans

In 2007 I published a white paper, prior to my first successful run for Palerang Council, regarding the evolution of sustainable agriculture in the area. (See Attachment Annexure) It was a proposal based on 100-acre organic family farms with farm-community shared infrastructures. Since first purchasing Landtasia, I have invested millions of dollars into farming improvements, certifications, and shared infrastructure to realise that goal. All of the preliminary development work has been exempt development and did not require any Development Consent from Council. Never ever, did I have reason to believe or suspect something so out of character as the Proposed Development might be considered on my farm's boundaries.

It has been, and remains, my intention to facilitate the realisation of that organic small farm concept at Landtasia. Paramount to the effectiveness of that model, is the ratio of working primary producers on each 100-acre allotment. Aside from being the designated size for a dwelling to provide a home for the producers, it also provides for a viable number of livestock, harvestable water, and horticulture area.



Because this long-standing plan and investment depends on attracting inspired working couples to create their own small farm operation, I am concerned of the negative impact the Proposed Development would have on attracting them.

### Positive Externalities – Food Security – Good Health

My plan to have many small farms at Landtasia is a matter of contributing to regional food security, as well as community economic development, and cultural development.

The Applicant sees the Proposed Development as contributing to energy security, and I wouldn't disagree with that. However, energy security doesn't require good soil and many hands, whereas food security does. Healthy food production is the highest value use for land with reasonable soils and water sourced from the sky. Energy security has many more avenues for realisation.

The development of healthy food depends on the combination of healthy land and helping hands. The ratio of primary producers to acreage relates to their production effectiveness and their economic performance. It is key that there is enough land for two partners to work productively, but not so much they can't maintain it. The shared resources such as equipment, preparation sheds, advisory services, and more shared hands during peak times such as harvesting adds to the viability of this strategy.

The Proposed Development industrialises the landscape. The shadows cast by the most southern six turbines reduce the agricultural functionality of some Landtasia acreage by overshadowing during the critical spring and autumn seasons. (See Attachments Annexure)



**Figure 22: Spring Shadows Cast from Proposed Southern Cluster**

Were the Proposed Development approved, the local economic benefit would be front-ended to the construction period. Most of that would go to non-local entities. In terms of ongoing community economics the legacy will be small – some rents to lessees (\$800Kpa), a couple of caretakers (\$120Kpa), some petrol and misc supplies (\$40Kpa). Probably less than a million dollars a year spent locally. According to a Deloitte report, “Establishing the Investment Case [for] Wind Power”, turbine operations are highly profitable with earnings before tax as high as 90%, which of course is returned to the non-resident investors.

On the other hand, the community economic benefit of 100 new productive family farms far exceeds that of the Proposed Development, contributing upwards of \$10M of local economic activity annually. This is aside from the community benefiting from high-quality locally grown organic food.

Given the principle of best and highest use of land, the Department should reject the Application as it is not the best use of the agricultural land it proposes to overtake, or the adjacent agricultural lands it will indirectly retard utilisation of.

### **Mrs Gladys William's Property – J197**

I wish to raise my concern here on behalf of my neighbour, Mrs Gladys Williams. Her residence is identified as J197 on the EIS map and is within 1,000 mtrs of turbine 35, and less than 2,000 mtrs from all six of the turbines in the southern array of the proposed southern cluster.

Mrs Williams is an elderly widow who I believe may not have access to email and other computer communication devices. She has lived there much longer than I have lived in the region.

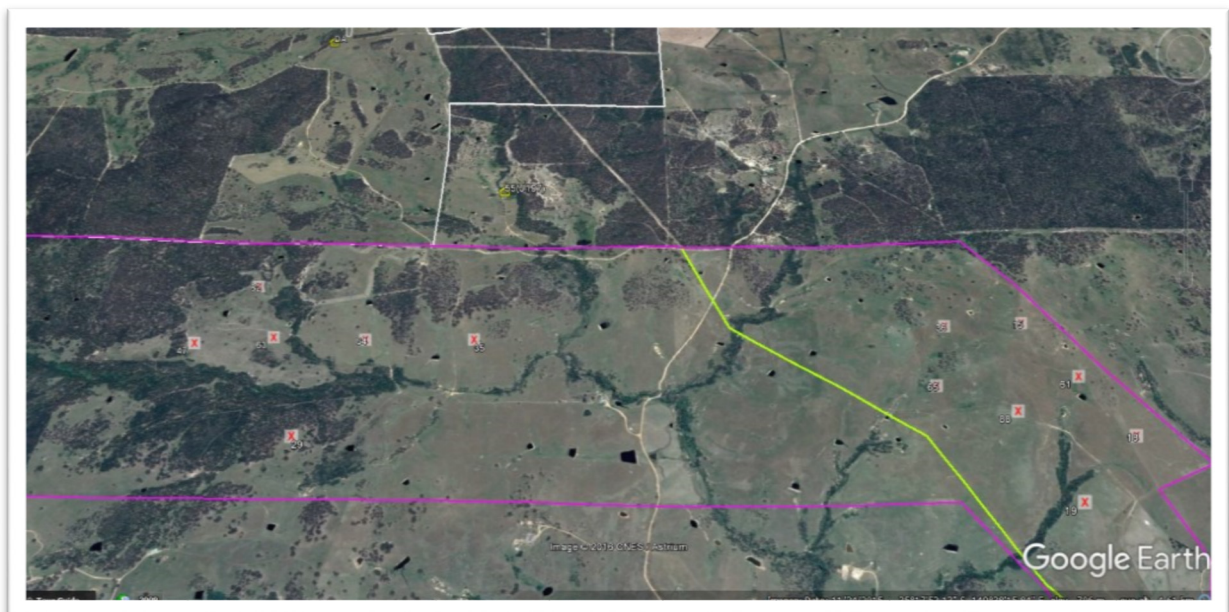
Mrs Williams is facing one of the most extreme exposures of any residence to this Proposed Development. Not only will the entire 13 turbines of the proposed Southern cluster tower over her property at angles greater than 80 degrees, she, her livestock and her property will be subject to the full impact of all adverse pollution emanating from the turbines – noise, infra-sound, air pressure pulses, aviation light flashing, and the rest.

Because of the shape of the terrain in this area, her home is lower than the basis of all the turbines and near the centre point of the cluster. I have great concern that her home and curtilage will become a pollution focal point.

In addition to these traumatic conditions, the entrance to Mrs Williams' property is from an ill-formed road that is outside of the Crown Reserve running on the western edge of the Proposed Development's Southern cluster boundary – Lot 107. That is to say, she and her visitors now enter her property from a road that for much of the way is not in the road reserve and traverses into the bounds of Lot 107.

Lastly, I argue on behalf of Mrs Williams that the exposure to airborne dust, dirt, grass, seed, cement and the like during the proposed construction period, can put her unreasonably in harm's way, exposing her to respiratory, ocular and olfactory debilitation and complications.

These exposures are unacceptable risks for a commercial development or the State to externalise on to Mrs Williams.



**Figure 23: Mrs Williams Homestead – Would be Extremely Impacted**

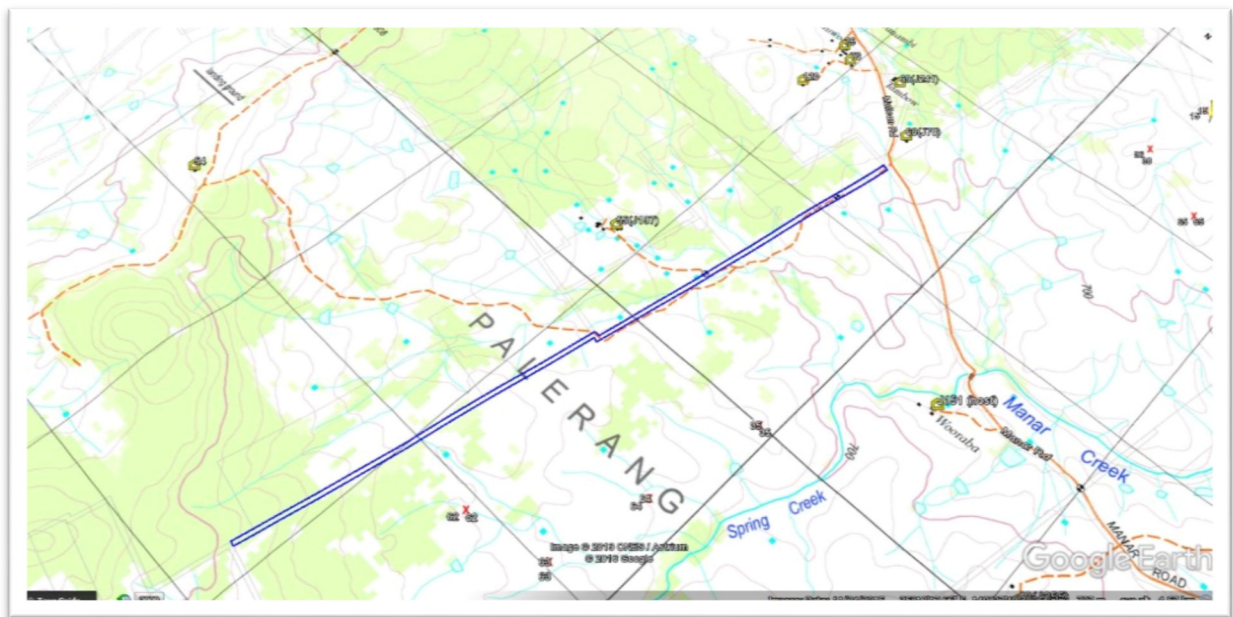


## Crown Road Reserve – Lot 107

As is the situation with the entrance to Mrs Williams' property, Landtasia's eastern entrance is also via the ill-formed road that is outside of the Crown Reserve running on the western edge of the Proposed Development's Southern cluster boundary – Lot 107.

To enter Landtasia's eastern gate, visitors must for much of the way drive on a track that is not in the road reserve and traverses into the bounds of Lot 107. When purchasing a large swath of land from Mr Raynolds in the 1990s, he undertook that we would always have access to use the current track 'so long as a Raynolds owned the property'.

Were the Proposed Development to be approved, we are uncertain what would happen to our access. Would the development be conditioned to move the road into the road reserve?



**Figure 24: Road Not Aligned with Road Reserve - Lot 107**  
Road Reserve in Blue | Road in Orange

## Hazeldell Road Dangerous Northern Intersection

The intersection of Hazeldell Road and Braidwood Road is already a very dangerous intersection. The intersection has approximately 60 mtrs visibility to the south and 120 mtrs to the north, with both extents coming into the intersection from blind curves. The speed limit at that point is 100kph, or 28 mtr per second.

With only 2 to 4 seconds reaction time, it requires high concentration, very fast acceleration, and a hope and prayer the drivers on Braidwood Road are very alert, when one is pulling out from Hazeldell Road.

Were the Proposed Development to be approved, the distractions of very high towers on both sides of the intersection, shadow flicker, and higher road utilisation will make the intersection very hazardous.



**Figure 25: Dangerous Intersection - Hazeldell and Braidwood Roads**

As if viewed from above proposed turbine 73

## Conclusion

While I am not aware of the full basis of assessment that the Department will apply when considering this Application, or the Minister will apply when determining it, I have the advice and I am of the view there are many reasons under planning instruments, public policy, equity, and tort that provide material grounds for the State to reject the Application. These include but are not limited to:

- The Proponent's failure to submit an EIS that fully and transparently discloses all significant issues;
- The Proponent's failure to negotiate equitable and acceptable outcomes with a majority of affected non-participating parties;
- The failure of the Proposed Development to meet the Objectives of the RU1 Zone;
- The inappropriate nature of the Proposed Development location siting amongst a defacto RU4 Rural Residential locality;
- The failure of the Proponent to site all turbines a minimum of 2,000 / 3,000 mtrs from properties with residential rights;
- The unacceptable risk to community safety through:
  - Increased risk to fire ignition emanating from events on the development site and its machinery,
  - Reduced ability for airborne firefighting in the localities,
  - The siting of turbines in close proximity to the Eastern Gas Pipeline, a nationally significant infrastructure asset,
  - Increased driver distractions from the development's turbines, on winding 100 kph roads, including accident prone Kings Highway;
- Taking a Precautionary approach, that underpins the Environment Protection and Assessment Act, to safeguard community health that could be affected by:
  - Acknowledged operational by-products of infra-sound, rhythmic and arrhythmic sub-sonic percussive bursts (air pressure fluctuations), overshadow, light flicker, light glint, micro-climate change, wake turbulence & aerodynamic noise, habitat destruction, wildlife disorientation, and human disruption proportionality and orientation to Place;
- The Proposed Development not being the highest and best use for the land.
- The inappropriate use of the Infrastructure SEPP to effectively transfer material value from one group of parties to another group of parties.

I firmly believe that if it were not for the 330kva TransGrid cable that traverses the area, this Application would not likely be on foot. There is nothing else particular or necessary about the land that makes it a unique location for electricity generation by wind turbines. The benefit of the TransGrid cable location reduces the cost of development for the Proponent, which is not a bad thing. However, if the siting of the Proposed Development then materially and adversely affects the full equitable enjoyment by residents of their property, contrary to all other local planning potentials except for the ISEPP, then that is not acceptable and should be rejected.

This is not a case of Imminent Domain whereby the State is acting on its own accord for the benefit of the greater good, and whereby the State would have to come to a full and equitable account of compensation for its decision.

In this instance, the Proponent is seeking from the State in this Application, to use the authority of the Infrastructure SEPP to confiscate, extinguish, or interfere so as to make defective the valuable rights, benefits and entitlements of one group of parties (non-participating property owners and residents), so as to valuably benefit another group of parties (the Proponent and their lessors).

While that may be considered speculation on my part, it is the outcome, not the intent, upon which equitable tort determinations are made.

Without diminishing my absolute opposition against the Application and my firm view that the Department and Planning Commission has more than sufficient grounds and reasons to reject this Application, I set out the following alternative conditions, in the event conditional approval is granted. However, for clarity sake, these conditions are not quid pro quos, but rather an attempt to mitigate damage, before it happens.

### **Alternative Conditions**

Set out in order of weighted priority.

#### ***Southern Cluster Array***

- Don't approve the Southern Turbine Cluster arrays on Lots 105 and 107  
Or
- Don't approve turbines on the Southern Turbine Cluster arrays within 3 kms of a building or building entitlement not subject to lease or ownership by the Developer / Operator.  
Or
- Don't approve turbines on Lot 107 and Lot 105 south of the Jemana Eastern Gas Pipeline  
Or
- Don't approve turbines on Lot 107

#### ***Northern Cluster Array***

- Don't approve the Northern Turbine Cluster  
Or
- Don't approve turbines on the Northern Turbine Cluster within 3 kms of a building and building entitlement not subject to lease or ownership by the Developer / Operator.  
Or
- Don't approve turbines on northern half of the Northern Turbine Cluster

#### ***Power Cabling***

- Require that all power control cabling, power distribution cables and the like, are underground throughout the entire application territory.
- That all power distribution and transmission cabling that travers public lands is operated as a common infrastructure resource for the benefit of all future electricity generation initiatives. Require the assignment of the ownership of such infrastructure to TransGrid (or nominee, or the State.)

#### ***Deconstruction and Maintenance Financial Assurance***

Require financial security to be paid in advance by the Applicant to the State as trustee for the public, which would be sufficient for a qualified third party to deconstruct the turbines, de-cable, remediate any environmental damage, and make good the land upon where the turbines and other infrastructure were erected.

### *Tenure*

Condition any approval with a limited operation time of 10 years, with renewals for additional 10 year periods dependent upon continual successful performance of the development to all applicable conditions, environmental metrics, community wellbeing, and the like.

### *Infrastructure:*

- Build a road of a suitable grade with fencing on western road reserve of Lots 105 and 107 from Mulloon-Manar Road to the southern boundary of Lot 107 to assure continuity of access for Landtasia and Mrs Williams' properties.
- Do road changes necessary to the intersection of Hazeldell Road and Braidwood Road to make it safer for drivers. This can include relocating the intersection to a straighter section of Braidwood Road, or taking the curves out of the approach.

### *Airstrip Safety*

Require that the siting of all turbines provides for a save all-weather / all-conditions approach, landing and emergency flight paths for all airstrips within 5 km of the Proposed Development including but not limited to the Landtasia-Mulloon Airstrip, and the Landtasia-Mt Fairy Airstrip .

Thank you for taking my submission into your assessment of the Application.

I am happy to answer any questions you may have regarding my submission or associated matters.

Sincerely Yours,

A handwritten signature in blue ink, appearing to be 'R. Graham', written in a cursive style.

Richard Graham

## Epilogue

### Professional Planning Opinion

For reasons explained at the start of this submission, my time since the January 17<sup>th</sup> fire has been severely taxed. So in preparing for this task I sought out professional guidance with extensive Planning experience, to help inform my view, which it has.

I include it here, to support my submission.

---

### Jupiter Windfarm and Relevant Planning Documents

The relevant planning instruments and related documents relate to the former Palerang LGA and to Goulburn-Mulwaree Council. While it is noted that the Jupiter proposal is State significant development and is therefore not being considered under Council planning documents, they are relevant considerations, particularly given that the QPRC and former Palerang documents have only recently been developed and can thus be considered an accurate reflection of community considerations.

### Rural Lands Strategy – former Palerang LGA

The Rural Lands Study was commenced by the former Palerang Council in 2014, and its final exhibition occurred May – July 2016, with community submissions considered by QPRC's Rural Lands Committee in August 2016.

QPRC considered, and adopted with amendments, the RLS at its meeting of 22 February 2017.

The EIS refers to the draft RLS (p 4.32) suggesting that the land included in project area is not currently rural residential nor is it recommended to be rural residential.

The RLS was adopted, with amendments, by QPRC at its meeting of 22 February 2017. It is therefore important that the adopted RLS be considered rather than the draft. It is also important to consider the background to the RLS and the Council's reasoning behind some of the relevant amendments to the draft.

The RLS is silent on the issue of windfarms but, as noted in the 22 February 2017 staff report, it is Council's policy (as adopted by the former Palerang Council) to generally support wind farms in rural areas but opposed them when close to residences or rural residential areas.

It is therefore critical to consider whether the affected land could be considered rural residential. In adopting the RLS and in the absence of a specific rural residential zone, QPRC chose to use rural residential as referring to a number of usage patterns, including small lot agriculture and rural living.

While the Jupiter project area covers land zoned RU1 – Primary Production, much of it is small holdings developed as concessional lots previously allowed under the Tallaganda LEP. As such, much of the area could be characterised as rural living or small lot agriculture.

Recognition that the former Palerang policy applied to the Jupiter development was reinforced when QPRC, meeting as the Planning and Strategy Committee on 8 February 2017, resolved to oppose the Jupiter windfarm. The staff report to this meeting noted that the EIS tends to make blanket statements that cover the project area of 4,999 hectares, and that the development would have medium to high visual impact on 59 dwellings.

In summary, there is nothing in the recently adopted QPRC RLS that supports the development of this windfarm, and that the land holdings within the project area cannot be considered as broad-acre agriculture that may be implied by its RU1 zoning.



## Palerang LEP 2014

The EIS correctly notes that the development is prohibited under the PLEP 2014, but goes on to explain that Infrastructure SEPP (ISEPP) allows for the development to proceed with consent on land zoned rural including RU1 such as that under consideration for the Jupiter development.

The EIS notes that the land included within the project area is RU1 – Primary Production. As noted above, however, much of the land use in the QPRC LGA cannot be generally classified as broad-acre agriculture.

The ISEPP therefore needs to be used with caution considering QPRC's broad policy and its considerations in adopting the RLS.

The EIS provides an outline of the considerations under the PLEP commencing on page 6.12. The EIS is flawed in its consideration of at least three of the objectives, namely:

1. In suggesting that the proposed windfarm does meet the objective of minimising conflict between land uses within the RU1 and adjoining zones, the EIS does not consider the impact on the residential use of the land. As noted above, the primary use can be considered "rural living" and that 59 dwellings would be substantially impacted by the development.
2. The EIS suggests that the development has been planned to minimise the impact on the natural environment "to the extent practicable" (p6.14). This is a broad statement and relies on the implementation of range of management measures that have not been verified and that, at the very least, would need to be included as conditions of consent and subsequently enforced by the relevant State agencies.
3. The EIS suggestion that the increase in demand for public service or facilities is limited and largely temporary is based on inadequate data and assumptions, as highlighted in the staff report to the QPRC Planning and Strategy meeting of 8 February.

## Palerang DCP 2015

The PDCP (p19) requires, *inter alia*, that consideration be given to a habitat corridor management plan that will maintain or enhance habitat corridors. The EIS (p6.17) suggests that the Jupiter development has been planned to avoid removal of large tracts of forest or woodland.

This broad statement implies that only timbered country is relevant to wildlife and that native grassland is somehow less important. This is clearly not the case.

## Conclusion

From the above consideration of the relevant **local** planning documents and strategies the proposal should be refused for the following reasons:

- The proposal is inconsistent with the local Council's policy on the siting of windfarms;
- The comments around use and possible conflicts assume broad-acre farming, whereas the project area is better categorised as small-lot agricultural or rural living, as discussed in QPRC's adopted Rural Land Study; and
- The impact on local facilities is based on incomplete data and dubious assumptions.

It is further argued that the proponent's motherhood objective of minimising environmental impacts to the "extent practicable" through unverified management plans is contrary to the precautionary principle, one of the six key elements of the ecologically sustainable development concept that underpins the Environment Protection and Assessment Act. It would also place a considerable compliance burden on the relevant State agencies as well as the local Councils.