

FLYERS CREEK WIND TURBINE AWARENESS GROUP

2nd June 2017

Resource Assessments

Department of Planning & Environment

320 Pitt Street

GPO Box 39

Sydney NSW 2001

Dear Mr Davies

Re: Flyers Creek Wind Farm MP 08_0252 – Modification 3

Request: Please refer to all prior submissions lodged from Flyers Creek Wind Turbine Awareness Group and surrounding community members in relation to all of Flyers Creek Wind Farm Pty Ltd's applications and modifications.

Please note that the majority of this community object to the Flyers Creek Wind Farm proposal and the concept plans that have been approved.

HISTORY:

Flyers Creek Wind Farm first became a material fact with an application to the NSW Department of Planning in **2008** whilst the majority of this community were not informed until late **2010**.

Please note: The Flyers Creek wind farm project/concept was lodged under Part 3A, which has now been established to be a system that was open to corruption.

Babcock and Brown up until their name change to Infigen in 2009 were, it appears, known to have handsomely donated to the NSW Labour party.

In **November 2009**, Kristine Keneally saw fit to **RETROSPECTIVELY** declare Flyers Creek Wind Farm **"Critical Infrastructure"**

It is outrageous to think that the Department of Planning and the NSW Planning Assessment Commission, the very people who are employed to protect and represent the best interests of the people of this state have allowed this development/concept to proceed to this level and afforded, it

would appear, Babcock and Brown/Infigen liberties along the way with extensions, changes to guidelines and declarations to ensure its success.

Since 2008 we have also seen 3 Inquiries into wind farms (which certainly exposed many of the inadequacies of industrial wind development), with many, many complaints from existing wind farms in NSW along with national and international complaints and many independent qualified professionals reporting their findings and exposing the inadequacies and worrying issues. Yet it appears the development of wind farms in NSW is proceeding without a **“Duty of Care”** to the people and without it appears the **“Precautionary Principle”**.

It is stated that developments are approved on their merits. To date those merits have never been clearly explained nor validated. As in the case of South Australia, wind farms have proven themselves to be inefficient, a danger to the grid stability and a very expensive exercise. WITHOUT BEING HEAVILY SUBSIDISED BY WAY OF RENEWABLE ENERGY CERTIFICATES, WIND FARMS WOULD NOT EXIST.

It appears that the NSW government authorities are prepared to compromise the state of NSW and its people without a thorough process that independently and expertly examines each and every wind farm.

What is becoming more apparent is that the approval process is based on developers' advice and that so long as an Environmental Assessment is lodged covering certain requirements it will be approved. That is not to say that the requirements for the environmental assessments are adequate or that the environmental assessments are an accurate picture of the development or that the accompanying reports are not flawed. At what level of due process do independent technically qualified persons with the best interest of the public over and above the commercial interest scrutinise the requirements and documents for their technical, geotechnical and scientific adequacies as pertaining to risk assessment and risk mitigation.

In 2008 when Flyers Creek Wind Farm was originally lodged the only operating wind farms in NSW were government owned or funded, so please explain with all that is known and that has been exposed that Flyers Creek Wind Farm has been allowed the liberties it has to remain in the system when even The Honourable Brad Hazzard saw fit to make a statement that “Flyers Creek was the last of the wind farms approved under the “rotten laws” of the previous government”.

Over the last 7 years whilst waiting for Infigen and the NSW Department of Planning to make decisions and just over 3 years since the original approval of Infigen's concept plan this community has had to suffer undue stress and anxiety causing many to re think their future and make decisions that were never part of their life's plan while others live in limbo whilst contemplating what the future holds for them. What is evident though is that we have no faith in the NSW Department of Planning to protect our community from the impacts we will face and it appears Infigen Energy do not care so long as they are making money and it appears that they can hide behind the fact that they comply to the NSW Department of Planning's requirements that appear to be written by the industry and changed along the way to facilitate each and every development and the industries demands and whims.

MODIFICATION 3

The proponent seeks Modification 3 so as to remove 4 wind turbines from 3 properties which have exited the project

And

To make changes to associated access tracks and cabling and the alignment of the approved 33 kilovolt (kV) overhead power line.

With the exiting of the 3 properties from the project there is obviously the need to be able to connect the northern group of turbines to the southern group of turbines via the existing Errowanbang Road. However upgrade works are being carried out on Errowanbang Road and to date are not completed. Whilst the council we believe will need to resume land for this upgrade we understood only as of only a few weeks ago that negotiations with land owners where land would most likely need to be resumed had not happened. If it is still unclear about the road realignment how can Infigen state that they can safely comply with standards to allow them to proceed?

We also note that the recent Currandooley fire that devastated the community surrounding Infigen's Capital and Woodlawn wind farms was it appears due to failings of the electrical infrastructure.

In light of the incident of fire at Infigen's owned wind farms in the Tarago and Bungendore area, it should be required that wind farm developers place all power lines underground. Of course Infigen will refuse this as they did with Woodlawn wind farm due to the cost. We would expect that the inherent dangers of power lines connecting wind farms would have been assessed and all 33Kv lines were placed underground in the first instance. Flyers Creek Wind Farm is still proceeding with above ground power lines as a connection. We would hope that our local council would also be alarmed and expect that power lines were placed underground for the long term safety of our community.

Subdivision for lease purposes

Whilst we are not privy to the finer details of the request for Subdivision for lease purposes for the substation and electrical connections corridor, one has to wonder why at this late stage of the development and after receiving an original consent of approval that this is necessary. Does Infigen have a dispute or unresolved issues with the landowners involved that may jeopardise long term feasibility?

ENVIRONMENTAL ASSESSMENT

Whilst the general consensus in Modification 3 is that the changes **significantly** reduced the scale of the project one has to question this when the size of turbines and exact location of turbines and power lines have not been established, after all there is only the removal of 4 turbines, that in our opinion is not significant.

Our group in the past has consistently pointed out inaccuracies with the developers EA's in what appears to be reports that significantly favour the developers needs and certainly do not address what will be the final project and associated impacts.

To date the assessments have failed to identify impacts from what could be classified as a final project. It appears that data and reports provided grossly ignore technical, geographical, geotechnical and environmental issues and associated and cumulative impacts unique to this area.

This project no matter whether 42 turbines or 38 will create visual pollution of a beautiful scenic rural area, no amount of mitigation will change that. Allowing the continued construction of this industrial infrastructure is ruining our countryside and destroying idyllic rural views.

Noise Impacts

How can anyone state that the removal of 4 turbines from a concept plan that was modelled on 2.5MW GE Turbines will result in lower noise emissions for relevant receivers when the ultimate turbine that will be used has not apparently been decided and the final turbine layout established especially if micro-siting is applicable. We strongly expect that the final turbine model will be nothing like a 2.5MW GE Turbine.

VIPAC state they are confident that the final turbine model and layout will meet the applicable noise criteria at relevant receivers. **However they fail to identify the impacts and cumulative impacts.**

Please see previous submissions from Flyers Creek Wind Turbine Awareness Group re noise issues.

We would like to also make it known that recent acoustic testing in the area has identified that background noise levels at residents homes in this area are between 10-15dB which seems to be consistent with many rural settings unlike homes in urban settings. Acoustic testing also has identified homes in this area already experiencing the invasion of ILFN from current industrial operations that certainly will not cease operation in the near future. Hence cumulative and true impacts are certainly critical issues that need addressing and if an acoustician had any moral integrity they would not hide behind flawed criteria that ultimately hides the true adverse impacts for the surrounding community and calls into question their professional reputation.

The EPA's stance of only protecting 90% of people 90% of the time, means that the public health of 10% of the people is never protected, and that for 10% of the time there is no protection for anyone. Looking at it another way, it means the authority is only doing 81% of what it should be doing to protect public health. This goes against the tenets of all democratic government and is contrary to the recommendations of the World Health Organization. Abject non-acceptance of responsibility for protecting public health is reprehensible, and should be of sufficient severity to have the governing authority placed into statutory management or disestablished. The EPA, as with all government departments, should aim to protect public health as much as possible all of the time whatever the industrial noise policy may be. Of course in some instances this just may not be possible and in some cases is understood, but a policy of apparently not trying to do so, and only catering for 90% of the people 90% of the time, is totally unacceptable.

Limiting the lowest recordable background sound level to 30 dBA is again reprehensible and totally unacceptable. No doubt those formulating such an idea, had only a limited knowledge of the effects of sound on people, and had taken a WHO recommendation that for normal sounds of road, rail and air traffic with their slow rise and fall of sound, 30 dBA outside would likely protect people from sleep disturbance, assuming the sound attenuation through a partially

open window would not be less than 13 dB. The WHO made it quite clear that people exposed to sounds with low frequency components, would need much greater protection.

In a country area, background sound levels often are below 20 dBA (as clearly evident with recent acoustic monitoring results), and if low frequency sound components are present there will be little or no attenuation of sound as it enters a building - indeed it may resonate with the natural eigentones of a room making the sound louder inside than outside. In these circumstances, basing the minimum sound level outside at 30 dBA will provide no protection from sleep disturbance for those inside.

If human health is at risk anywhere, it is the government's responsibility to undertake such measures as are necessary to correct the problem. Acousticians have a professional and moral obligation to do same.

The Standard Acoustic approach and A-Frequency weighting is certainly not acceptable in the instances where industry is producing infrasound, low frequency noise and vibration as in the case of Flyers Creek.

We do hope that VIPAC along with others who have been relied upon for their professional reports and reviews have Professional Indemnity Insurance in place.

PROPERTIES R014, R024 AND PROPERTY R056

The 3 properties who have exited the project should now be treated as any other neighbouring property.

Firstly the NSW Planning Assessment Commission without justification reinstated turbine 9 which the NSW Department of Planning recommended removal of for the benefit of property R014. The reinstatement of this turbine is a reprehensible action by the NSW PAC.

Furthermore the retaining of turbine 15 at a distance of approximately 0.9km from Property R056 in an area that could be seen as a low wind resource and isolated from the southern and northern cluster of turbines with connection lines having to traverse an extra 2 properties to connect with turbine 18 seems to be retained out of retribution rather than for any other logical reason,(even in 2009 Capital wind farm had no turbine closer than 1.2km to neighbouring non hosts) . Unless of course hosts of the 3 properties involved were so keen to retain an income from a binding contract in spite of the position they will find themselves in and the monetary value becoming completely insignificant.

CONSULTATION

Ongoing community consultation

The efforts of Infigen's ongoing community consultation cannot seriously be taken as such! The only consultation that took place for the community was the project newsletter received in the mail by

some of our members and one meeting we know of between at a non-host on the afternoon of 21st March 2017 with Megan Richardson who could not allay any concerns.

No one can seriously take for granted that the Community Consultative Committee is any form of true community consultation this is purely a tick the box exercise of an exclusive group that do not represent this community or our concerns.

CENREC is an organisation that it appears can be seen as being established by Infigen Energy and are the recipients of government grants. Not a community based organisation for the benefit of our community.

Infigen request in addition, a number of clarifications to conditions of the Project Approval.

The conditions the proponent requests be modified are in an effort it appears to make sure that no obstacles are placed in their way when it comes to making the project a reality and of course they are happy to use the excuse to bring the wind farm in line with contemporary wind farm conditions. Micro-siting conditions should not be allowable and one would expect this under the Building Code of Australia, especially as these are dynamic moving structures that any movement in siting would require prior approval. If the project was carefully designed and loading assessed in the first place altering micro-siting would not be an issue.

Of course the modification also eliminates a condition relating to 2km setback from non-hosts when it comes to micro-siting. It appears very convenient to remove all traces of the DG's request to take into account the previous Draft Wind Farm Guidelines and a 2km set back from non-hosts.

FURTHER MATTERS OF CONCERN

This project has never provided the exact details of the 132 Kv transmission line and the ability to access to the grid. Prior to the original approval it was a known fact that negotiations with landholders had failed to secure access to properties that Infigen stated were involved to host the transmission line. Now it appears in an effort to steam roll their way through they choose to have the new 132 kv transmission line alignment assessed under Part 5 of the EP&A Act by Essential Energy as the determining authority. The Flyers Creek Wind farm concept we believe received approval without being able to prove that it was a viable project. Please refer to previous submission for Modification 2.

This area is already burdened with impacts from Newcrest's Cadia Valley Operations and in the foreseeable future with their expansion to become the second largest gold mine in the world surely will not be without further implications. We believe that a modification is also in the process for Cadia East with the expectation that production will see 35 million tonnes of ore per year processed with new plant. We are also led to believe that there will be an increase to this amount in the future. At what point in time will the NSW Department of Planning take into consideration the impacts of this working mine, derelict mines, active earthquake faulting and high pressure gas pipeline and the

wind farm. Perhaps the NSW Department of Planning would provide evidence of consultation with relevant experts re ground stability/suitability for such cumulative developments. The recent earthquake, most likely caused by underground mining, highlights the instability, geotechnical properties of this area and the inherent implications yet at no time have we seen any reports as to the ability of wind turbines which are established emitters of noise and vibration in such close proximity to such an enormous underground mining operation co-exist and the effects this could have on the community and the Moomba to Sydney Gas pipeline which if Flyers Creek Wind Farm is constructed will have dynamic rotating, vibrating, electrical ground current and EMF emitting structures straddling said high pressure gas pipeline.

This year Newcrest have obviously had issues or shutdowns for maintenance, besides the earthquake and as one of the largest consumers of energy in New South Wales we have seen what their fluctuations have done to the power source where they derive their energy from and the impacts that has had on the community surrounding the base load facility. However if Infigen were to access the very same grid with an intermittent source of energy what are the ramifications that would be far reaching!

CONCLUSION

Based upon collective NSW Public experience we are sure that no matter what we say or present to the NSW Department of Planning, Modification 3 will be approved despite our best efforts to highlight the many impacts and condemnation of the project.

The current Wind Energy Framework is a testament to the fact that the governing authorities are not listening to those impacted, inquiries and independent highly qualified professionals.

Flyers Creek Wind Farm has only ever been a concept right from the very start and yet has had that many liberties afforded to them to get to this stage having received approval not only in the first instance but with each proceeding modification.

Anyone would have to be completely deluded if they think that Infigen Energy can make a statement as to the fact that Modification 3 will result in an overall reduction to the impacts of the approved Flyers Creek Wind Farm concept when the company cannot even provide guarantees that there will be no impacts and insist on hiding behind the fact that they comply with the NSW Department of Planning guidelines. They build to whatever specification they are allowed to get away with!

The apparent lack of "Due Diligence" by governing authorities is reprehensible.

The "Burden of Proof" that industrial wind energy developments do not cause harm falls to the developer and governing authorities.

We expect that all of our concerns and issues be addressed to a high scientific and technical standard which has not occurred to date.

At some point in time all those who are a party, meaning manufacturers, developers, governing authorities and hosts to the Flyers Creek Wind Farm we are sure will be accountable for the damages and impacts that most likely will occur if this project is constructed. There is little hope that the catastrophic regulatory failings driven by opportunists will not have catastrophic consequences to our community.

Yours sincerely

P. Schneider

On behalf of FCWTAG

EMAIL: fcwtag@hotmail.com.au **POSTAL ADDRESS:** PO BOX 1082 ORANGE NSW 2800

MOBILE: 0405127189