## 3. ISSUES RELATING TO JUSTIFICATION OF THE PROJECT

**Director-General's Requirements**

The Director-General requires the following to be addressed:

1. A detailed summary of the project including:
    - Construction, operation and decommissioning details
    - The location and dimensions of all project components
    - A timeline identifying the proposed construction and operation of the project components, their envisaged lifespan and arrangements for decommissioning and staging

2. Consideration of any relevant statutory provisions.

3. An assessment of key issues during construction, operation and decommissioning

4. A draft Statement of Commitments detailing measures for environmental mitigation, management and monitoring for the project.

5. A justification of the project taking into consideration the environmental, social and economic impacts of the project; the suitability of the site; and the public interest.

6. Specifically this Strategic Justification must include:
    - A strategic assessment of the need, scale, scope and location for the project in relation to predicted electricity demand, predicted transmission constraints and the strategic direction of the region and the State in relation to electricity supply, demand and electricity generation technologies;
    - A clear demonstration of quantified and substantiated greenhouse gas benefits;
    - An analysis of the suitability of the project with respect to potential land use conflicts with existing and future surrounding land uses (including rural residential development, land of significant scenic or visual value, land of high agricultural value, mineral reserves and conservation areas), taking into account local and strategic land use objectives; and
    - A description of alternatives considered (location and/or design) and provide justification for the preferred project demonstrating its benefits on a local and strategic scale and how it achieves stated objectives.

## 3.1 SUMMARY OF OBJECTIONS

**Project Justification**: Flyers Creek Wind Turbine Awareness Group (FCWTAG) objects to the Flyers Creek Wind Farm proposal:

3.1.1 Should the NSW Government, via their agent the Department of Planning and Infrastructure approve the Flyers Creek Wind Farm it will be disregarding its **duty of care** to the residents in proximity to this industrial wind turbine complex.

3.1.2 Should the NSW Government, via their agent the Department of Planning and Infrastructure approve the Flyers Creek Wind Farm is will ignoring **the precautionary principle** particularly in relation to health, welfare and community affairs as recommended by the Federal Senate Inquiry into Rural Wind Farms.

3.1.3 The NSW Government must:

- Declare a moratorium on the construction of wind turbines until appropriate research has been carried out to assess all health effects;
  Be mindful of the recent appeal before the South Australian Supreme Court which was upheld on the basis of non compliant noise. This action must determine the adequacy of the SA EPA Noise Guidelines which NSW also uses

3.1.4 The proposal for the FCWF must be rejected:

- Wind turbine generated electricity is inefficient, uneconomic, and intermittent and does not create a net saving in $CO_2$ emissions.

- Issues of equity where one landholder obtains an income at the expense of a neighbour.

- Issues of equity where one landholder destroys or significantly impacts the "quiet enjoyment", "rest and repose" and visual amenity of a neighbour.

- Industrial Wind sites destroy "Rurality" and are therefore contrary to residents natural and deliberate geographic and locality choice of abode.

- There has been no consideration of the effects of noise on school children (one school 1.5 km or closer from nearest turbine), the elderly and the disabled, all groups in the community with increased susceptibility.

- **Significant doubts regarding the decommissioning process.**

- **Reduced land values for both host and non-host landholders alike.**

- There is legislative confusion, lack of structure and no proper mechanism to deal with complaints about noise. No Government Authority (including local government, EPA or Department of Planning) appears to take **responsibility for the noise compliance of the energy company's operation.** Noise complaints are referred back to the energy company. This needs to be addressed as a matter of urgency.

## 3.2 JUSTIFICATION AND THE PUBLIC INTEREST

### 3.2.1 Government's Role and Duty of Care.

A duty of care is a legal obligation to avoid causing harm or injury to others. Government agencies and decision-makers are under a duty of care in many situations and have a legal obligation to take reasonable care to avoid causing harm or injury to others. Reasonable care must be taken to avoid the risks and dangers that are reasonably foreseeable. The standard of care that should be observed will vary with the circumstances. For example, a higher degree of care is expected where the risk of injury is high, the potential damage is serious, or a dangerous consequence could easily be avoided.[17]

A major function of government is to regulate the conduct of others, so as to safeguard public health, prevent environmental damage, ensure building safety, control public order, and similar objectives. There is a duty to take reasonable care in conducting that regulation. The Government is the ultimate custodian of all matters of Public Interest.

It is argued in this submission (Chapter 5) that there are issues of noise impacts and public health associated with the development of industrial wind turbines. These are real and demonstrable, and are supported by international peer-reviewed research.

To ignore this evidence, to vilify those who display health issues directly relating to wind turbines, and to approve wind turbine development close to human habitation would be a failure on the part of the NSW Government and its Minister for Planning and Infrastructure to honour its legislated obligations of duty of care.

Of great concern is the fact that distrust, anxiety and frank depressive illness may precede industrial wind turbine (IWT) development as has already been seen in this

district. Considerations of cessation of local development, investment and expansion have also been noted. The disintegration of a former cohesive society is now very evident with the formation of divisions which will never heal. Many of our community will move away which will simply magnify our loss by way of reduced services and never be regained. Services such as schooling, health, transport and merchandising will never recover.

### 3.2.2 Duty of Care regarding children, the elderly and the disabled

Although concerns of health, noise and the people affected by the proposed wind turbines is examined in more detail in Chapter 5, the special issues regarding Government's duty of care to children, the disabled and the elderly is particularly pertinent for Government.

Children, the elderly and many disabled are particularly vulnerable to the impacts of noise. Their increased susceptibly to auditory damage compared to the general population is well known and documented.[10] These groups are often not able to articulate and defend their own interests, thus it is essential for Government to accept they legal obligation and assume this role. A duty of care is therefore a critical element of Government's civic responsibilities to these vulnerable sectors of the population.

In relation to the Flyers Creek Wind Farm proposal, there are **three** schools 5 kilometres or less to the closest wind turbines. Carcoar and Mandurama Schools are both approximately 5 kilometres but Errowanbang School, with an enrolment of about 40, is 1.5 kilometres from its nearest turbine with several within 2 to 3 kilometres. There is increasing evidence that people are adversely affected by the noise from wind turbines out to 5 and even 10 kilometres due to sound wave propagation. Moreover sound exhibits synergism so that the additive effects of several proximate wind turbines will increase the impact on children by a factor greater than the sum of their values.

Humans exposed to chronic noise which is intrusive do not accommodate with time to this noise as is often quoted. This myth remains another example of false and misleading information used by profit orientated companies to continue to damage Australian rural families.

The Environmental Assessment makes no attempt to address this issue. There is no evidence that Infigen consulted with the Department of Education and Communities. The Flyers Creek Wind Turbine Awareness Group was made aware of this when one of its members wrote to the Minister for Education, the Hon Adrian Piccoli MP. The

Department of Education and Communities upon our insistence has seriously accepted their legislated obligation and duly written to the Department of Infrastructure and Planning requesting that the proponent be required to provide the local school communities with information on the development.

The Department has also requested on our insistence that, through the Preferred Project Report, the proponent be required to **identify** and **clarify** the **potential impacts** of the proposed Flyers Creek Wind Farm on the **health** and **learning environments** of the adjacent school communities. These potential impacts include **noise** and **vibration** and **Electro Magnetic Radiation** from **transmission lines, substations** and **telecommunication towers.**

Since the proponent (Infigen – FCWF) has a vested interest in there being little or no impact and since they have already stated that there are no adverse health effects from wind turbines it is unlikely that they will produce a negative report for the Department of Health and Communities. **It is therefore in the Government's interest and duty of care to ensure that the information they receive can be independently corroborated, and that the Department of Planning and Infrastructure take careful note of the implications for the susceptible groups in the district.**

The elderly are also considered to be at risk. Uralba Retirement Village in Carcoar is 5 kilometres from FCWF and has 16 residents (soon 22) with associated staff. This is a facility for the frail in our community. There has been no attempt to consult with the Manager or Board and presumably Infigen would deny there will not be any health problems associated with the wind turbines. Yet, increasing evidence as mentioned above, indicates that these highly vulnerable residents will be at risk due to this distance from the turbines.

Australia has a responsibility for the disabled under the **United Nations Convention on Persons with Disabilities** of which Australia is a signatory. This includes people with particular susceptibilities which make them especially vulnerable to wind turbine noise impacts: for instance, those with vision and hearing deficits; those who are ill or incapacitated; and those who have mental disabilities (Appendix 1).

### 3.2.3 Infigen (Flyers Creek Wind Farm) and its Duty of Care

Flyers Creek Wind Farm Pty Limited, and/or its parent company Infigen Energy has an obvious duty of care to any person it affects. If it wilfully neglects this duty of care then it may incur charges of criminal negligence. This duty of care is set out in Criminal Negligence Code S266[50] which states:

> **Everyone who has in their charge or under his control anything, whatever whether living or inanimate, or who erects makes or maintains anything whatever, which in the absence of precaution or care may endanger human life, is under a legal duty to take responsible precautions against and use reasonable care to avoid such danger, and is criminally responsible for the consequences of omitting without lawful excuse to perform such duty.**

Health consequences resulting from negligence are often liable to attract legal proceedings. It is shown here that there is significant evidence of health effects caused by sound from wind turbines. In the Environmental Assessment (ES) Infigen denies any adverse health effects in people associated with wind farms It is disingenuous for it to claim ignorance of the rapidly increasing body of peer reviewed research that corroborates this fact. It would seem that commercial pressures dictates that wind farm construction should proceed despite any scientific and medical doubts that are emerging. To proceed without the risks to health in particular being researched and quantified may be grounds for criminal charges, including mass class action, should adverse health outcomes develop as a result of the wind turbine operation.

### 3.2.4 The precautionary principle

The World Health Organisation defines The Precautionary Principle[8]:

> When there is a reasonable possibility that the public health will be endangered, even though scientific proof may be lacking, action should be taken to protect the public health, without awaiting full scientific proof.

Moreover the precautionary principle is a **moral and political principle** which also calls for the burden of proof to fall on those who would advocate taking the action.

In other words, no new industrial process should be imposed on an unsuspecting public without having been thoroughly, publicly, and independently studied beforehand. Patently this has not happened with the wind turbine industry and it is only in the last few years that the mounting evidence of the health effects of wind turbines are such that they can no longer be ignored.

The precautionary principle dictates that studies need to be **urgently** carried out to establish if wind turbine projects impose risks to health or safety of the target communities. A moratorium should be established and such projects should not be allowed to proceed until this is completed. If the research indicates risk, then prevention is mandated. Until then it is a matter of good governance to adopt the precautionary principle in the interests of public health.

To repeat: the introduction of the precautionary principle is currently an important and ignored recommendation of the Federal Senate inquiry into wind farms.

It is therefore mandatory that this project, the proposed Flyers Creek Wind Farm (and indeed other project proposals before the NSW Department of Planning and Infrastructure), be postponed and not considered for approval pending:

- A moratorium being put in place until -

- Sufficient, appropriate and independent research is performed, peer reviewed and published;

- Assurance that this research be **funded** by the industrial wind turbine industry as they are the only organisations profiting from these developments. Further, that recognition of company profits by government ensures that taxpayer funds are not utilised in the research process.

- The Department of Planning and Infrastructure is in a position to then make a considered and informed decision through its Duty of Care provisions;

- The Supreme Court of South Australia has recently upheld the appeal in the matter of Quinn-v-AGL Hallett 3 stating, there were issues of noise and **tonality** at Hallett 2 and that the South Australian EPA Guidelines under which that wind farm was assessed were insufficient to safeguard health. The SA Supreme Court returned the matter back to the Environment Resources and Development (ERD) Court for determination. It is obvious that the guidelines will need to be urgently reviewed and upgraded. Since NSW assesses wind turbine developments under the same guidelines the Department of Planning and Infrastructure should halt all development assessments immediately until the introduction of new and more rigorous guidelines are introduced. (See Chapter 5).

It is apparent that there is considerable coercion on the NSW Government by energy companies and the Federal Government to deliver approval for a large number of wind turbine projects. This coercion is driven by the Federal Government's 20/20

renewable energy policy and the wind turbine industry's fear of the inevitable withdrawal of Renewable Energy Certificates (RECs) planned for 2025. **However public interest mandates health issues to be investigated with scientific rigour without commercial interests receiving preferential consideration.**

The issue of noise and health will be more fully examined in Chapter 5.

## 3.3 JUSTIFICATION, EFFICIENCY AND COST EFFECTIVENESS

### 3.3.1 Problems of Efficiency and Efficacy

An overview "Examining the Effects of Wind Turbine Industrial Development in Rural Areas"[61] found that internationally wind turbines have not reduced the world's dependence on fossil fuels. As well wind energy supporters have also exaggerated the ability of wind to reduce sulphur dioxide, nitrous oxide and carbon dioxide. More locally, Australia is producing wind energy but it is happening at such a low rate that it has yet to have an impact on conventional energy usage.

Miskelly, A. and Quirk[32] report that eleven wind turbine installations in South East Australia were examined by the Australian Energy Market Operator (AEMO) and found that these turbines produced more than 80% of their output only 8% of the time, while they produced 8% of their output 80% of the time. There were two important conclusions:

1. Wind turbines do **not** generate as much power as they should. Even Infigen's claim in the Flyers Creek Wind Farm Environmental Assessment puts the capacity factor at 34.45% which would seem to be an overestimate given the AEMO's and (many other authorities) findings (see above).

2. Wind turbines work roughly at the same time, which means that if the wind is not blowing when required to meet demand, it is impossible to produce energy unless there is an alternate source of electricity on standby, namely coal or gas fired generators). It can be readily shown that on a daily basis, even when the wind is blowing, there will always be a mismatch between peak electricity production (night) and peak electricity consumption (day).

Despite ridiculous assertions in the FCWF Environmental Assessment to the contrary, electricity output can never be described as "smoothly varying". In fact it is constantly varying over a very wide range, and at times extremely rapidly. On over 30 occasions during the calendar year 2010 the total wind farm output for eastern Australia (as determined using AEMO data) plunged to less than 2% of installed capacity, and indeed on several occasions dropped to zero[33].

In addition, there are frequent, sharp, unpredictable changes in the output amounting to several hundred megawatts at a time. On the electricity grid, where the load/generation balance must be managed second-by-second, this sort of behaviour is completely unacceptable for the grid operator. This then has to be compensated for by varying the output of the controllable generators which have to be kept constantly running and whose sole task is to balance the wind's vagaries.

In engineering parlance this is an example of "common-mode failure" and means that at these times the entire wind generation fleet has failed – a result of the combination of variable weather systems as they cross the continent, exacerbated by the wind turbine characteristic to produce massive changes in output in response to small changes in wind speed.

This situation is demonstrably unpalatable because this is a **common-mode failure**, and whether 10 or 100,000 wind farms were to be connected to the grid there would still be the same unacceptable number of common-mode failures, but with an additional twist: the larger the number of wind farms, the larger are those totally unacceptable power excursions, making it even harder to control the grid, making it more unstable and increasing the likelihood of frequent, unpredictable, widespread blackouts across the eastern Australian grid.

The FCWF Environmental Assessment claims that as we construct and operate more wind farms the power industry will be able to stop burning coal and gas. In fact, seemingly perverse, the exact opposite will occur. The results of analysis[33] show that each increment of wind generation requires the provision of fast-acting, controllable, back up generation; that is, each new 100MW of wind farms will require 100MW of new fossil-fuelled generation solely for backup. Furthermore, each such 100MW of fossil-fuelled generation has to provide on average 60-70MW output because of the wind farms' poor capacity factor.

**In the light of the above it is patently obvious that construction of wind turbines will not allow the shutdown of any coal or gas burning electricity generators, and indeed will necessitate the construction of additional back-up generators.**

### 3.3.2 Economic Implications of Wind Power

There are presently 1052 wind turbines operating in Australia. The renewable energy plan (20% of electricity generated from renewable energy sources by 2020) calls for an almost tenfold increase in the number of turbines to meet this target. In New South Wales there are currently 18 wind farm applications being processed under Part 3A, one being recently approved. These 18 projects expect to account for

approximately 2500 turbines and will be almost exclusively built along the Great Dividing Range (Southern Highlands, Central Tablelands, and New England Tablelands).

The high construction costs for wind turbines ($2.4 million per kilowatt hour) is more than **double** that of gas or coal, and the government's subsidy of wind energy will undoubtedly flow onto the consumers (domestic and industrial). While solar is more expensive again it doesn't have the same problems of storage and intermittency, whereas wind power requires back-up generators.

Therefore the high cost of wind power resolves into the following constraining factors:

- High capital cost
- Cost of back up generation
- Cost of connecting small turbines to the transmission infrastructure
- High repair costs resulting from a number of different scenarios and causes
- The above ensures that wind turbine produced electricity is 3 times the cost of coal fired power.

In considering the relative costs of avoiding carbon emissions, wind plus back up generation is still the most expensive, followed by coal with carbon capture and storage, then combines cycle gas turbines and the cheapest is nuclear energy.

In regard to finite fossil fuel resources, Australia has well over 500 years of reserves of coal and gas and will remain Australia's primary source of electricity production for the next decade or so, until reliable high capacity green/renewable technologies such as geothermal and solar-thermal come on line.

These and other reliable high capacity green/renewable technologies are set to replace existing technologies in the near future with the aid of the Federal Government's:

- $10 billion Clean Energy Finance Corporation;
- Research, development and commercialisation of renewable energy at an early stage through the $3.2 billion Australian Renewable Energy Agency, and
- Research and development of clean technologies through the $200 million Clean Technology Innovation Program[33].

Flyers Creek Wind Turbine Awareness Group, as part of this submission, does not see its role to discuss the relative merits of alternative electricity generation technologies, including also other forms of renewable energy. Suffice to say, the way forward is not to engage in wind energy with its concomitant costs and subsidies, all of which

will ultimately devolve to the consumer and tax payer and which will be unable to provide any cost effective reduction in carbon dioxide emissions.

**FCWTAG does not believe that the Environmental Assessment convincingly argues its case for the justification of the project on the grounds of economics. The EA states "The project contributes to inter-generational equity by reducing greenhouse gas emissions and reducing consumption of finite fossil fuel resources" but they are unable to substantiate this in any meaningful or convincing way.**

### 3.3.3 Specific Comments regarding the Flyers Creek Wind Farm proposal.

1. The EA (Chapter 18) states that the "wind farm will predominately displace electricity generation from fossil fuels; it reduces greenhouse gas emission by approximately 305,000 tonnes per year. This amount of greenhouse gas savings is equivalent to removing approximately 70,000 cars from Australia's roads."

   This figure (derived from the NSW Greenhouse Gas Saving Tool is fatuous and based on several questionable assumptions:

   (i) Any power delivery by the wind farm will replace by 100% the same amount of power from a coal fired power station. This is clearly impossible as coal fired power generators take many hours to change their production outputs. Gas fired power generators has a faster uptake time but there is still a considerable lag period.

   (ii) The $CO_2$ output from a coal fired power station is 1.07 Kg per KWh.; The more modern coal fired power stations (of which over 6,000MW was approved for construction in 2010) have $CO_2$ outputs well below 0.90 Kg of $CO_2$ per MWh.; A CCGT (combined cycle gas turbine) $CO_2$ produced is 0.45 Kg per MWh. It is obvious that the savings in $CO_2$ output will depend on the type of back-up generation that is used. There is **no** indication that back-up generation, its cost and its $CO_2$ output have in any way been considered in the EA.

   (iii) The Greenhouse Gas Saving Tool makes the assumption that there will be no carbon tax or emission trading scheme until 2015. Clearly that is no longer true since it will now be legislated to commence on 01/07/2012.

2. Further the EA states that "the project contributes to inter-generational equity by reducing greenhouse gas emissions and reducing consumption of finite fossil fuel resources". In truth, **far greater reduction in greenhouse emissions would be**

**achieved through the conversion of coal fired power stations to Closed Cycle Gas Plants** of which 6,500MW (more than 100 times the capacity of this wind farm) has been approved or are in the NSW planning system as of 14 November 2011.

3. The EA makes several statements in Chapter 18 (Justification) which are anecdotal at best and completely erroneous at worse. The EA states "The project enjoys support from the majority of the local community as well as the mayor of Blayney Shire Council". There is no proof to back up this statement. As far as the FCWTAG is aware the Mayor made one statement to the local newspaper in 2010 when he "thought it was probably a good idea" but without the backing of Council since no resolution concerning the FCWF has been an item of business at a Blayney Council Meeting. There is no substantiation either that the majority of the community favour the project. In fact the reverse is equally tenable: at a Council arranged community forum (but suggested by the FCWTAG) arranged on 28th November 2011 where 84 people attended the vast majority were opposed to the development.

4. The EA states "It provides additional income to the landowners on which the wind farm will be located". While that is true it is hoped that the wind turbine hosts have factored in the many restrictions that will be placed on them and the freedom of passage that they usually enjoy which will be taken from them. The most significant sequel however will be that increased income to one host landholder comes at the expense of neighbours who do not wish to have wind turbines in their community. Their wishes are dismissed and they will effectively be subsidising the increased income their neighbouring hosts will receive. Platitudinous statements such as that quoted above and reflecting this attitude only serves to further fracture the community over this issue.

5. The EA states that the FCWF project "is likely to provide a significant boost to the local economy particularly during the construction phase of the project including employment of local contractors and increased business opportunities for local businesses." The EA states that there will be 50 jobs available during the construction phase and no doubt local businesses may benefit to some extent. However many of these jobs will require specialist personnel – there is hardly a pool of experienced wind turbine construction workers in Blayney Shire. As with many of these projects many of the jobs will be of the "fly in-fly out" category and not result in increased local jobs. Construction is mooted to take about 18 months at the end of which, after commissioning, the EA states there will be three (3) non-resident jobs.

6. If construction is permitted, our district will be completely destroyed and rendered into a rural, industrial, despoiled landscape. This iniquitous circumstance thus ensures:

- The power company (Infigen's subsidiary Flyers Creek Wind Farm P/L) can make profit from wind energy production which will only be profitable because of tax payer and consumer subsidies (direct and indirect) and which will **not result in any significant reduction in greenhouse emissions;**

- Wind turbine hosts can make a profit at the **expense** of their neighbours;

- After construction, there will be a possible asset to the district of a mere 3 full time jobs;

- The wind turbine developers do not contribute any funds to the Shire Council by way of Section 94 or Rate payments.

- There are stresses on the district infrastructure (roads, environment, wildlife etc) that cannot be contained.

- The experience of other communities with enforced industrial wind turbine (IWT) sites has been an appalling lack of ongoing monitoring.

- There is currently no regulatory mechanism by which people suffering health effects from IWT can seek redress through a government Department.

- Regulations concerning IWT have been systematically excised from **The NSW Industrial Noise Policy** because they are no longer described as **scheduled premises.**

- Regulation concerning IWT have been systematically excised from **The Protection of the Environment Operations Act (POEO Act 1997)**

- Health affected Residents complaining to **Local Council** will be told thy have not the **Resources, Time** or the **Inclination.** The complaint will then be referred to **The Developer** to pursue the obviously ineffectual mechanism of self-regulation.

This flawed system provides no assurance of genuine rigor or natural justice and leaves the complainant with 2 alternatives:

1. **Leave** the district.

2. Seek **Legal Recourse** via the court system, if there are adequate funds to ensure justice or time to pursue a very protracted litigious process.

- Residents' health can be adversely affected (see Chapter 5);

- The community will obviously remain divided, far beyond the lifetime of the project. There will be the destruction of the network of neighbours with previous common aspirations and life styles who were bound together in the common cause of support and community spirit.

**7.** The Environmental Assessment ironically sums up the situation thus: "Nevertheless, the visual and acoustic impact of the operating wind farm for some neighbours may be of concern and **could only be avoided if the wind farm were not built."**

## 3.4 JUSTIFICATION AND BLAYNEY SHIRE COUNCIL

3.4.1 Blayney Shire Council is not the consent authority for the approval of the Flyers Creek Wind Farm. As a Project of Critical Infrastructure the approval falls to the NSW Department of Planning and Infrastructure. Blayney Shire Council nevertheless has a role in passing along the wishes and opinions of its ratepayers to the Department of Planning as part of its own submission on the Environmental Assessment.

3.4.2 The limit of Council's community consultation has been to call one meeting on 28th November 2011, on insistence of the Flyers Creek Wind Turbine Awareness Group wishing to obtain more information from the proponent and to bring the discussion finally into the public domain. This meeting, though well attended did little to inform the public. There appears to have been nothing else undertaken by Council to ascertain the feelings of the community regarding the FCWF.

3.4.3 The Council had not discussed this as an item of business in **any** Council meeting that the FCWTAG is aware of until 12th December 2011, when Council resolved to provide a submission on the proposal to the Department of Planning and to seek an interview with the Department to seek further information. There has not been a resolution either

supporting, or otherwise, the proposal to host the Flyers Creek Wind Farm within the Blayney Shire.

3.4.4 Blayney Shire council does not have a **Development Control Plan (DCP)** which is a glaring deficiency in the opinion of other Councillors and Councils. This document puts forward the wishes of the shire residents and, while not enforceable, it is a document of resident wishes. Its absence indicates a lazy disrespect of shire residents and their democratic expectations.

3.4.5 Should Blayney Council decide to support the proposed FCWF it will be contrary to its own policies. In a 4 page "Farm Management Plans – Information Sheet" developed to be used as a guide for landowners in the local government area who wish to prepare a Farm Management Plan, it is stated:

***"Council is committed to maintain agricultural land for agricultural purposes and to ensure that appropriate developments on agricultural land do not occur."***

And further:

***"Activity on the land which would diminish the aesthetic value of the land, or which would have a negative effect and make it difficult for neighbouring landowners to carry out their own legal and permitted uses of the land, could also be considered inappropriate land use."***

While it has been pointed out emphatically to members of FCWTAG that State laws, regulations and decisions will always over-ride those of local government, this is **no way prevents Blayney Shire Council from arguing this proposition with the Department of Planning, and in so doing maintaining a stance on its stated policy.**

3.4.6 Blayney Council will have a significant role in the provision of required infrastructure for the wind turbine installation to proceed, principally relating to roads, transport and traffic control. The Director-General has made one of his requirements in the Environmental Assessment the provision "details of the nature of traffic generated, transport routes, traffic volumes and potential impacts on local and regional roads, bridges and intersections, including any proposed road upgrades and repairs." While there is some discussion of these items in the EA there appears to have been little consultation with Blayney Shire Council officers, no Traffic and Transport Management Plan has been provided. This latter apparently is to be left to the relevant contractor to compile with Council and the RTA sometime in the future. **This is a significant deficiency in the EA and addresses the DGRs poorly.**

3.4.7 The wind turbines will produce noise and historically complaints have and are being made about noise from other wind turbine operations in Australia. Council will now be the first contact for noise complaints and will need to have a protocol in place to manage complaints, although it is difficult to determine what Council can actually do. There is no mechanism for dealing with complaints or for monitoring noise to assess operational compliance by the energy company.

Council does not appear to have any legislative powers to deal with noise relating to any State Significant Development (SSD) (i.e. Project of Critical Infrastructure) as FCWF is designated. The EPA also does not appear to have carriage of this matter as wind turbine noise has been removed from the POEO Act. Wind turbines are also not covered by the NSW Industrial Noise Policy because wind turbines are not deemed to be scheduled premises.

In the final analysis Council may only be able to refer noise complaints back to the wind turbine operator (in this case Flyers Creek Wind Farm). This is a ridiculous and illogical situation and demands the attention of Government to put a regulatory mechanism in place. **At the very least the POEO Act should be amended to include noise from wind turbines and the EPA should be given the appropriate authority and resources to monitor noise, deal with complaints and penalise the energy company for non-compliances. Repeated infringements or non compliance must result in turbine removal to protect human health.**

3.4.8 Blayney Council has over the last several decades has been at some pains to attract new population to the Shire, both in the form of encouragement for business and promotion of the Shire as a lifestyle choice for those wishing rurality and "tree change". To some extent this has been successful and there has certainly been an increase in lifestyle blocks particularly at the northern edge of the FCWF site, as evidenced by the density of houses there. It would be ironic, and a breach of faith, if Blayney Council now supported the industrial wind turbine proposal at the expense of this new population base (and rate payers) and, in so doing, removed the very reason that attracted them to the area in the first place.

3.4.9 Further matters regarding Blayney Shire Council's role in the matter of the Flyers Creek Wind Farm proposal is dealt with in greater detail in Chapter 9.

## 3.5 LAND VALUES

3.5.1 Infigen has stated on numerous occasions that the presence of wind turbines in a district has no impact on land valuations. In fact hosts of wind turbines can increase the value of the land because of the potential for increased income (return on investment) from the lease agreement and annual rentals they received.

3.5.2 There is ample evidence (both tested and anecdotal) that land values of both host farms and neighbouring farms are decreased by the presence of wind turbines. Real Estate agents have attested to this:

- Shane McIntyre, National Sales Manager for Elders Rural Real Estate Services, states: "A proliferation of wind towers adjacent to a property has the same effect as high voltage power lines, rubbish tips, piggeries, hatcheries, and sewerage treatment plants, in that, if buyers are given a choice, they choose not to be any of these impediments to value……. Experts assess the loss of value to be in excess of 30%, and sometimes up to half."[61]
- Graeme Welsh, real estate agent Goulburn, states that people from Sydney wanting to buy retirement blocks are not interested in looking at anything near an existing or proposed wind turbine.[61]

- The contention that wind turbines on farms decrease the land value is also borne out by an interview with a resident host of several wind turbines in NSW where he has successfully appealed the Valuer General to have his land devalued which was approved and therefore has resulted in a decrease in his rate base (personal communication).

3.5.3 The overseas experience also affirms the decrease in land values.

- Investigations in Ontario, Canada, have consistently found a drop in property values of 20 to 40% with properties on the market often taking twice as long to sell

- A study by McCann Appraisal in Massachusetts, USA[20], concluded that "the best available evidence indicates a value loss of 25% or more will occur to homes within approximately 2 miles [3.3 kms] of the turbines." It should be noted that this report dealt with the expected effects of only TWO turbines on the village of Brewster.

- Examples, for instance in New York USA and in Denmark, where falling property values have caused significant problems now leading to legislation being implemented to compensate homeowners and landholders.[29]

- From Spain a personal communication from Ramon Rodriguex, Patrimonio Natural y Cultural de Extremadura (PANACEX) (08/12/2011) outlines the following problems experienced by the proximity of wind turbines installations:

  - Degradation of land escape that affected our rural tourism;

- Problem with noise that affected the possibility to sleep well

- The inability [for] tourism projects in the zone

- Degradation of the hunting activities

- **Devaluation of the price of proprieties in the zone affected by the mills**

- Corruption of local authorities by the multinational firms promoting wind mills farms

- No generation of benefits in the area, not even stable employment