

10th September 2015

Tracy Bellamy,
Department of Planning and Environment
Via email

Re: Paling Yards Wind Farm Project – previous submission 98743

Dear Tracy,

We have reviewed the response provided by UFWA to the submissions on the proposed Paling Yards Wind Farm. We thank you for the opportunity to notify the department of our concerns with those responses.

This submission is made on behalf of the members of the public that provided submissions and the following submission providers 98565, 99006, 98743 & 98922 have requested they be included in this correspondence.

Collectively we feel we represent the general feel of the local community of Curraweela and this submission represents a number of concerns with the responses provided by Union Fenosa and their consultants. Before we detail the concerns we have with specific parts of the report, we are concerned with the lack of statements in relation to probity and independence of the consultants contracted by Union Fenosa. We are furthermore concerned that Union Fenosa have dismissed or not adequately responded to a significant number of issues raised in the submissions.

Our specific concerns are as follows for the Departments review and consideration when discussing the submission with the proponent:

Pg 18 – Indicative Turbine Layout

We do not believe the project should be given approval on an indicative turbine layout. It is the view of the community that the proponent has completed their due diligence and that the proposed location of each and every turbine has been defined based on the environmental impact study. Impact and environmental assessments should be revisited when the final proposed locations are known and the project should go out for public consultation again.

Pg 24 – Vegetation Removal

We do not believe that approval should be given for a project that requires the removal of any remnant vegetation – this currently is estimated to be some 14 hectares. Given the overall size of the location, the proponent should be made to relocate any development to avoid any disturbance to the existing landscape. We would also like to make reference to the altitudinal range and diverse geology of the plant life that exists adjacent in Abercrombie River National Park. In high-altitude eastern areas like Paling Yards, there is an association of mountain gum *Eucalyptus dalrympleana* and Peppermint *E. dives* which are typical in the Southern Highlands, which have been reduced in other areas where pine plantations or grazing has taken place.

Pg 31 – Standard Construction Hours

We believe that penalties should apply for any non observance of the proposed hours. Penalties of \$10,000 per each incident are not unusual for commercial developments and appear to be the most effective way of ensuring compliance.

Pg 34 – Decommissioning of the site and 30 year option

We believe the proponent should enter an arrangement where a contribution is made to a trust fund on annual basis over 30 years for the decommissioning, removal of infrastructure and restoration of land. In the interim period until the fund is fully funded, we believe there should be a requirement for an Australian bank guarantee for the total estimated value of decommissioning and restoration of the site.

We further believe that the 30 year option extending the site to 60 years should be removed ie: approval (if granted) should be for a maximum of 30 years or less.

We further request that any approval to operate a wind farm at the Paling Yards site be limited to the current proponent Union Fenosa as the sole developer / operator of the wind farm. This would restrict Union Fenosa from selling a development approval to another entity. It would further provide a level of assurance that Union Fenosa act in accordance with the requirements of the development approval. If Union Fenosa opts to cease operations, it would be required to decommission the site and restore the landscape to its former state. If Union Fenosa does not honour its obligations, then funds would be accessed under the bank guarantee instrument or the decommissioning trust fund or both.

Pg 40 – Public Exhibition Provisions

We do not accept that Union Fenosa consulted adequately. We have been advised that for any residents that did not have road side mail boxes, **no information was provided**. We further understand that leaflets were only provided to mail boxes on the main roads in close vicinity to the proposed wind farm. Given the proposal affects quite a number of land owners, we believe, as a minimum, letters should have been mailed to the addresses held by the local councils. We are advised this did not occur and as a result, very few impacted land owners were given the opportunity to provide submissions. We understand that contact has been made with the department by residents that were not consulted or notified by Union Fenosa or suitable time to provide submissions. As a result of this, the percentage sample size of those who responded appear high, however actually responses (based on individual responses) were low, thereby not giving the Department a true reflection on the impact of this proposal to the community. We believe the project should go out for public consultation again and all landowners within a 20klms radius be given adequate notice and information sent to their council held addresses.

Pg 51 – Traffic and Transport

Specifically, Over Dimension, Over Mass and Heavy Haulage vehicles. We believe the proponent should provide a guarantee and agree to a penalty arrangement for any vehicles travelling between the township of Taralga and the site. The penalty should be a minimum of \$10,000 for each incident. This stretch of the road is totally unsuitable for large vehicles and coupled with the minimum requirements of gradient incline on the Oberon side of Abercrombie River, the landscape does not lend to large vehicles travelling via this route unless major (and disruptive) earth works take place to public roads to accommodate for this. In addition, this would also significantly increase the risk of accident / death to the public who travel along this road.

Pg 54 – Transmission Lines

The only possible viable transmission line is currently proposed to be north of the development - connection to the 500kV Mt Piper-Bannaby Transmission line. It is understood that additional routes are being considered and it is the communities belief that consultation should occur over the final proposed location of the transmission line. An environmental impact study should be undertaken and made available as part of the public consultation process.

Pg 61 – Bush Fire Risk

Given the location of the proposed development resides between two National Parks and this poses a risk much greater than other wind farm operations, (Abercrombie River National Park & Kanangar-Boyd National Park extending to Blue Mountains National Park), we believe that all details of proposed fire fighting plan, fire fighting equipment, water supplies, and other infrastructure needs to be finalised before approval can be given. We further believe that specific risk assessment be conducted in consultation with NSW National Parks and Wildlife and that mitigation strategies and treatments are agreed in advance. The Bush Fire Plan and associated risk assessment and strategies should be provided for public consultation.

Pg 68 - Native and Remnant Vegetation

No approval should be given for proposals requiring the destruction of native and remnant vegetation.

Native Wildlife and Protected Species

It is also noted that under the Natural Heritage Conservation, native animal and plant protection is a major responsibility of the NPWS. As the Department is aware all native plants and animals are protected by law. It is everyone's responsibility to ensure that any development does not impact native animals of plants or contribute with making them extinct.

It is also noted that the Abercrombie River has protected and rare fish species. The Abercrombie River, where it is proposed that machinery be stored in Bummeroo Ford Camping Ground and water be drawn directly from the river to mix concrete, the protected fish known as Trout Cod, River Blackfish, Silver Perch, Macquarie Perch and the Murray Cray would be at risk should the river become contaminated due to building waste, cement dust during high wind periods or debris run off during rain. Any impact to Native Wildlife or Protected species must be reviewed and shared with the public

Other Conservation Areas – the Kangara Area

It has been advised that along the Abercrombie River, there is a Cultural Heritage Conservation Area for which Aboriginal and heritage sites are protected – these should be reviewed by the proponent and independent impact and assessment studies be commissioned and must be reviewed and shared with the public.

Under Property ID R120 (Plummer) supplied by the National Parks and Wildlife, Department of Environment and Conservation (NSW), it is understood that a "Kookaburra" biodiversity Inventory Project currently exists. This property is a wildlife refuge and given this property is directly neighbouring the proposed development site, impact to this sensitive biodiversity inventory must be reviewed and shared with the public

Pg 100 – Landscape and Visual Impact

Assessments have been made on "proposed" locations of turbines. Turbine locations need to be finalised and reassessed for landscape and visual impact. Abercrombie River National Park and the surrounding areas is part the of the Blue Mountains Region, which has management responsibilities

for the following reserves: Abercrombie River Nations Park, Blue Mountains National Park and Kangara-Boyd National Park (all part of the “Blue Mountains World Heritage Area”) as well as Yerranderie State Recreational area and Evans Crown Nature Reserve. Any information surrounding impact to these require adequate impact studies being completed and shared with the public.

Pg 102 – Obstacle Lighting

Locations need to be finalised and impact assessments shared with the public.

Pg 103 – Transmission Line

Location of transmission line and environmental impact study need to be provided for public consultation.

Pg 105 – Noise Impact Assessments

These should be redone when final proposed locations of turbines are known and information should be provided for public consultation.

Pg 111 & 113 – Infrasound and Health Effects

The Senate Select Committee on Wind Turbines has finalised its report as at August 2015. Recommendations have been endorsed by the Government. The list of recommendations is provided below. The community of Curraweela ask that approval for the Paling Yards Wind Farm be delayed till proper independent assessments can be undertaken and assessed in accordance with the recommendation findings.

SENATE SELECT COMMITTEE ON WIND TURBINES – AUGUST 2015

Full List of Recommendations — Interim and Final Report

Recommendation 1: interim

1.5 The committee recommends the Commonwealth Government create an *Independent Expert Scientific Committee on Industrial Sound* responsible for providing research and advice to the Minister for the Environment on the impact on human health of audible noise (including low frequency) and infrasound from wind turbines. The IESC should be established under the *Renewable Energy (Electricity) Act 2000*.

Recommendation 1: final

6.5 The committee recommends that an *Independent Expert Scientific Committee on Industrial Sound* (IESC) be established by law, through provisions similar to those which provide for the *Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development*.

6.6 The provisions establishing the IESC on Industrial Sound should state that the Scientific Committee adequate due diligence must conduct 'independent, multi-disciplinary research into the adverse impacts and risks be done prior to individual and community health and wellbeing associated with wind turbine projects and any other industrial projects which emit sound and vibration energy'.

Recommendation 2: final

6.9 The committee recommends that the federal government assign the *Independent Expert Scientific Committee on Industrial Sound* with the following responsibilities:

- develop and recommend to government a single national acoustic standard on audible noise from wind turbines that is cognisant of the existing standards, Australian conditions and the signature of new turbine technologies;
- develop and recommend to government a national acoustic standard on infrasound, low frequency sound and vibration from industrial projects;
- respond to specific requests from State Environment Protection Authorities for scientific and technical advice to assess whether a proposed or existing wind farm project poses risks to individual and community health;
- provide scientific and technical advice to the relevant State Health, Environment and Planning Minister to assess whether a proposed or existing wind farm or industrial project poses risks to individual and community health;
- provide advice to the Clean Energy Regulator on whether a proposed or existing wind farm project poses health risks to nearby residents;
- provide advice to the federal health minister on whether a proposed or existing wind farm or industrial project poses health risks to nearby residents;
- publish information relating to the committee's research findings; and
- provide to the federal Minister for Health research priorities and research projects to improve scientific understanding of the impacts of wind turbines on the health and quality of life of affected individuals and communities; and
- provide guidance, advice and oversight for research projects commissioned by agencies such as the National Health and Medical Research Council and the Commonwealth Scientific and Industrial Research Organisation relating to sound emissions from industrial projects.

Recommendation 2: interim

1.6 The committee recommends that the National Environment Protection Council establish a *National Environment Protection (Wind Turbine Infrasound and Low Frequency Noise) Measure* (NEPM). This NEPM must be developed through the findings of the *Independent Expert Scientific Committee on Industrial Sound*. The Commonwealth Government should insist that the ongoing accreditation of wind turbine facilities under the *Renewable Energy (Electricity) Act 2000* in a State or Territory is dependent on the NEPM becoming valid law in that State or Territory.

Recommendation 3: final

6.12 The committee recommends that the following provision be inserted into a new section 14 of the *Renewable Energy (Electricity) Act 2000*:

If the Regulator receives an application from a wind power station that is properly made under section 13, the Regulator must:

- seek the advice of the *Independent Expert Scientific Committee on Industrial Sound* whether the proposed project poses risks to individual and community health over the lifetime of the project; and
- confer with the federal Minister for Health and the Commonwealth Chief Medical Officer to ascertain the level of risk that the proposed project poses to individual and community health.

If the *Independent Expert Scientific Committee on Industrial Sound* finds that the wind power station does pose risks to human health, the Regulator must not accredit the power station until such time as the federal Minister for Health is satisfied that these risks have been mitigated.

Recommendation 4: final

6.15 The committee recommends that a provision be inserted into *Renewable Energy (Electricity) Act 2000* stipulating that wind energy generators operating in states that do not require compliance with the National Environment Protection (Wind Turbine Infrasound and Low Frequency Noise) Measure (NEPM) are ineligible to receive Renewable Energy Certificates.

Recommendation 5: final

6.20 The committee recommends that the *Independent Expert Scientific Committee on Industrial Sound* (IESC) establish a formal channel to communicate its advice and research priorities and findings to the Environmental Health Standing Committee (enHealth). The IESC should explain to enHealth members on a regular basis and on request:

- the national acoustic standards for audible noise and infrasound and how these standards are set and enforced to monitor industrial projects;
- the methodology of its research and findings relating to how infrasound and vibration can impact on human sensory systems and health; and
- research priorities and possible strands of research that the National Health and Medical Research Council (a member of enHealth) could fund and commission.

Recommendation 3: interim

1.7 The committee recommends that the Commonwealth Government introduce *National Wind Farm Guidelines* which each Australian State and Territory Government should reflect in their relevant planning and environmental statutes. The committee proposes these guidelines be finalized within 12 months and that the Commonwealth Government periodically assess the Guidelines with a view to codifying at least some of them.

Recommendation 6: final

6.25 The committee recommends that the proposed *Independent Expert Scientific Committee on Industrial Sound* develop National Windfarm Guidelines addressing the following matters:

- a national acoustic standard on audible sound (see recommendation 2);
- a national acoustic standard on infrasound, low frequency sound and vibration (see recommendation 2);
- a national standard on minimum buffer zones (see recommendation 6);
- a template for State Environment Protection Agencies to adopt a fee-for-service licencing system (see recommendation 9, below);
- a Guidance Note proposing that State Environment Protection Authorities be responsible for monitoring and compliance of wind turbines and suggesting an appropriate process to conduct these tasks;
- a Guidance Note on best practice community engagement and stakeholder consultation with the granting and holding of a licence conditional on meeting this best practice;
- a Guidance Note that local councils should retain development approval

decision-making under the relevant state planning and development code for local impact issues such as roads;

- national standards for visual and landscape impacts;
- aircraft safety and lighting;
- indigenous heritage;
- birds and bats;
- shadow flicker;
- electromagnetic interference and blade glint; and
- the risk of fire.

6.26 As per recommendation 4 of the committee's interim report, eligibility to receive Renewable Energy Certificates should be made subject to general compliance with the National Wind Farm Guidelines and specific compliance to the NEPM.

Recommendation 4: interim

1.8 The committee recommends that eligibility to receive Renewable Energy Certificates should be made subject to general compliance with the *National Wind Farm Guidelines* and specific compliance with the NEPM. This should apply immediately to new developments, while existing and approved wind farms should be given a period of no more than five years in which to comply.

Recommendation 7: final

6.29 The committee recommends that the Australian Government amend the *Renewable Energy (Electricity) Act 2000* and the *Renewable Energy (Electricity) Act Regulations 2000* to enable partial suspension and point in time suspension of renewable energy certificates for wind farm operators that are found to have:

- breached the conditions of their planning approval;
- had their operating licence suspended or cancelled;
- establish powers to be used when breaches of statutory obligations occur that require energy generators to 'show cause' ; and
- link the issuing of renewable energy certificates with certified net greenhouse gas reduction in the electricity sector.

6.30 The committee recommends that the Clean Energy Regulator cannot accredit a power station until it is wholly constructed, fully commissioned and all post construction approval requirements have been met.

Recommendation 5: interim

1.9 The committee recommends that the Commonwealth Government establish a *National Wind Farm Ombudsman* to handle complaints from concerned community residents about the operations of wind turbine facilities accredited to receive renewable energy certificates. The Ombudsman will be a one-stop-shop to refer complaints to relevant state authorities and help ensure that complaints are satisfactorily addressed.

Recommendation 6: interim

1.10 The committee recommends that the Commonwealth Government impose a levy on wind turbine operators accredited to receive renewable energy certificates to fund the costs of the *Independent Expert Scientific Committee on Industrial Sound*—including the funding of additional research—and the costs of a National Wind Farm Ombudsman.

Recommendation 7: interim

1.11 The committee recommends that the data collected by wind turbine operators relating to wind speed, basic operation statistics including operating hours and noise monitoring should be made freely and publicly available on a regular basis. The proposed *Independent Expert Scientific Committee* should consult with scientific researchers and the wind industry to establish what data can be reasonably made freely and publicly available from all wind turbine operations accredited to receive renewable energy certificates.

Recommendation 8: final

6.37 The committee recommends that all State Governments consider shifting responsibility for monitoring wind farms in their jurisdiction from local councils to the State Environment Protection Authority.

Recommendation 9: final

6.46 The committee recommends that State Governments consider adopting a fee-for-service licencing system payable by wind farm operators to State Environment Protection Authorities, along the lines of the system currently in place in New South Wales.

Recommendation 10: final

6.53 The committee recommends that the federal Department of the Environment prepare a quarterly report collating the wind farm monitoring and compliance activities of the State Environment Protection Authorities. The report should be tabled in the federal Parliament by the Minister for the Environment. The Independent Expert Scientific Committee on Industrial Sound should coordinate the receipt of State data and prepare the quarterly report. The Department of the Environment should provide appropriate secretarial assistance.

Recommendation 11: final

6.57 The committee recommends that the National Health and Medical Research Council (NHMRC) continue to monitor and publicise Australian and international research relating to wind farms and health. The NHMRC should fund and commission primary research that the Independent Expert Scientific Committee on Industrial Sound identifies as necessary.

Recommendation 12: final

6.61 The committee recommends that under circumstances where the regulatory framework provided for pursuant to recommendations 8 and 9 cannot be enforced due to a lack of cooperation by one or more states, a national regulatory body be established under commonwealth legislation for the purpose of monitoring and enforcing wind farm operations.

Recommendation 13: final

7.84 The committee recommends that the Australian National Audit Office (ANAO) conduct a performance audit of the Clean Energy Regulator's (CER) compliance with its role under the legislation. In particular, the committee recommends that the CER examine:

- the information held by the CER on wind effectiveness in offsetting carbon dioxide emissions at both 30 June 2014 (end of financial year) and

3 May 2015;

- the risk management and fraud mitigation practices and processes that are in place and whether they have been appropriate;
- whether all public monies collected in respect of the *Renewable Energy (Electricity) Act 2000* are appropriate;
- whether there are financial or other incentives, including but not limited to, the collection of public monies under the *Renewable Energy (Electricity) Act 2000* that are distorting the CER's role in achieving the objectives of the Act; and
- whether the expenditure of public monies by the CER has been appropriately focused on achieving the *Renewable Energy (Electricity) Act 2000* objectives.

Recommendation 14: final

7.88 The committee recommends that the Australian Government direct the Productivity Commission to conduct research into the impact of wind power electricity generation on retail electricity prices.

Recommendation 15: final

7.105 The Renewable Energy Target should be amended so that all new investments in renewable energy between 2015 and 2020 will be eligible to create renewable energy certificates for a period of no more than five years. Existing investments in renewable energy should be grandfathered so that they continue to receive renewable energy certificates under the Act subject to annual audits of compliance.

7.106 The Government should develop a methodology for renewable energy projects so that they can qualify for Australian Carbon Credit Units. The Government should develop this methodology over a five year period in consultation with the renewable energy industry and the methodology should consider the net, lifecycle carbon emission impacts of renewable energy consent being granted.

Pg 117 – Aerial Fire Fighting

There is acknowledgement that aerial fire fighting opportunities are restricted in the wind farm location. This poses a significant risk as the proposed location is wedged between two National Parks. A full risk assessment should be developed in consultation with the NSW National Parks and Wildlife Service. Treatments and mitigation strategies arising from the risk assessment must be agreed to by the proponent before granting approval. This information should be made available for public consultation.

Pg 121 – Soil Moisture

The response provided by UFWA is totally unacceptable as it is based on overseas studies where there are very different climatic conditions. Australia is a dry and drought prone climate and any further loss of soil moisture from the effects of wind farms can severely affect the economic viability of farming operations. Studies indicate that the drying effect occurs for some 20kms downwind of each turbine. Furthermore, the drying effect will have a significant effect on the flora and fauna in the national parks. This also increases bush fire risk.

This issue appears to have been dismissed by UFWA and should be assessed by an independent climate and environmental expert. The assessment should be provided for public consultation and should also support case for compensation to local land owners who are dependent on their farming and income from tourism etc.

Pg 128 – Native Vegetation

No approval should be given that requires clearing of native vegetation and remnant forests.

Pg 133 – Turbine Locations

Proposed turbine locations need to be finalised and impact reassessed. Impact reassessments need to be provided for public consultation.

Pg 137 – Proposed Transmission Line

Details of the final proposed transmission line and impact and environmental studies need to be provided for public consultation.

Pg 139 – Electronic Communications

Any reported disturbance to communications eg: mobile phone signal, wifi, television, radio, UHF for an area of 20kms needs to be rectified by the proponent. This may involve the installation of satellite equipment, repeaters and other telecommunications infrastructure. A guarantee should be provided by the proponent that they will **immediately** rectify any loss of communication which occurs during and after wind farm construction. No approval to proceed should be given till the guarantee is provided by the proponent.

Pg 141 – Impact on Property Values

The UFWA response is totally unsatisfactory. It quotes studies that are some 10 years old before the impact of wind farms were better known. Submission 98743 quotes material for a study conducted in 2013 by Mr Peter Reardon, Real Estate Consultant and Registered Valuer. The study is very relevant to the proposed location as it assesses the impact of wind turbine developments on the surrounding land values in the Southern Tablelands of NSW. The main finding of this study is that discounts in value identified of 33% and 60% in the market place cannot be ignored. This study is further supported by statements made by Allan McDonald of Goulburn Professionals Real Estate which are quoted in submission 98743.

UFWA have totally ignored this information and instead opted for outdated reports which bare no relevance to the proposed site.

An independent study should be undertaken to assess the impact on property values within a 20km radius of the proposed site. This study should be assessed for its relevance in supporting compensation payments to local land owners. The study should be provided for public consultation.

Pg 146 – Financial Impact for Local Tourism and Accommodation Providers

The UFWA response is totally irrelevant to the issues raised in the public submissions. The response by UFWA quotes the number of visitors to wind farms and wind farm open days. These statements have absolutely no relevance to clients who book accommodation seeking the natural beauty of the Southern Tablelands. The affected properties currently have views of the ridge and National Parks. The proposed wind farm development destroys those views and the impact on these existing businesses will be severe.

An independent assessment should be undertaken and the impact assessed for compensation payments (commonly known as Neighbour Benefit Scheme) to the operators of these businesses.

Summary

The Community of Curraweela believe all the above points need to be addressed by the proponent before any approval decision is considered by the Department. The responses should be made available to all submission providers including the statutory authorities and provided a reasonable timeframe for community review and consultation.

We note the omission of a full risk assessment by the proponent and ask that this be provided.

We believe a further public consultation session is warranted. All land owners within a 20km radius be notified by individually addressed letters sent to their addresses held by the local councils.

We request that the project be put on hold pending the proponent addressing the above issues and the recommendations arising from the Senate Select Committee on Wind Farms August 2015.

Sincerely

Residents of Curraweela