

12 May 2017

**NSW Planning Assessment Commission Determination Report  
Capital 2 Wind Farm Modification 4 (MP 10\_1035 MOD 4)**

**1. INTRODUCTION**

On 24 March 2017, the Planning Assessment Commission (the Commission) received from the Department of Planning and Environment (the Department) a modification request from Infigen Pty Ltd (the proponent) to extend the current lapse date of the approval for the Capital 2 Wind Farm by five years.

The Department has referred the modification request to the Commission for determination in accordance with the Minister for Planning's delegation because the Department received more than 25 submissions from the public in the nature of objections.

Ms Lynelle Briggs AO, Chair of the Commission, nominated Mr John Hann (chair), Mr Stephen O'Connor and Ms Annabelle Pegrum AM to constitute the Commission to determine the modification request.

**1.1 Background**

The Capital 1 Wind Farm and the site of the Capital 2 Wind Farm are located approximately 10 kilometres north of Bungendore on the ridges of the eastern shores of Lake George. The proponent owns both wind farms with Capital 2 Pty Ltd (a subsidiary of Infigen) managing the construction and operation of the Project.

Capital 1 Wind Farm (MP 05\_0179) involving the construction and operation of 67 wind turbines was approved by the then Minister for Planning on 7 November 2006. Capital 1 Wind Farm commenced operations in 2009.

Capital 2 Wind Farm (MP 10\_0135) involving the construction and operation of 41 wind turbines was approved by the Commission on 1 November 2011 under the former Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The project approval included condition A4 which states that approval shall lapse five years after the date on which it is granted, unless works subject of this approval have been commenced before that time. The proponent is yet to commence works related to the Capital 2 Wind Farm project.

The project approval has been modified three times, as follows:

- modification 1 to increase in turbine capacity from 3MW to 3.5MW was approved by the Department on 4 July 2013;
- modification 2 to increase in blade diameter from 114m to 126m was approved by the Commission on 29 June 2015; and
- modification 3 to extend the overhead transmission line was approved by the Department on 17 March 2015.

## **1.2 Summary of Development Application**

The modification request proposes to modify the project approval to extend the current lapse date of the approval by an additional five years to 1 November 2021.

Although Part 3A was repealed on 1 October 2011, the project remains a transitional Part 3A project under Schedule 6A of the EP&A Act and the modification request is to be assessed and determined under Section 75W of the EP&A Act.

## **1.3 The Proponent's Justification**

In its modification request, the proponent provided the following justification for the extension of the lapse date:

- market uncertainty was created by the Renewable Energy Target policy review between 2013-2015. The proponent considers that investor confidence in the renewable energy industry has increased since 2015 due to the revised Renewable Energy Target (RET) being adopted in June 2015, the signing of the Paris Climate Agreement in December 2015 and the decision of the Australian Government's Clean Energy Finance corporation to continue to invest in wind farm projects;
- the wind farm is estimated to provide a direct investment in NSW of \$240 million and would generate 120 jobs during construction and 6 full time operational jobs;
- the extension would allow for the consideration of new, more efficient turbine technologies to be included in the wind farm, making it more competitive; and
- no material changes are proposed and there is no increase to the environmental impacts of the approved wind farm.

## **2. DEPARTMENT'S ASSESSMENT REPORT**

The Department's assessment report concludes that given the significant economic and environmental benefits of the project, it would not be *"reasonable or in the broader public interest, to allow the project approval to lapse without providing additional time to develop the project"*.

However, the Department did not consider it reasonable for the local community to live with ongoing uncertainty for another five years and is of the view that the proponent should be required to commence the construction of the project within a shorter timeframe. As such, the Department recommended extending the lapse date by two years after the date on which the modification request is granted, rather than five years from the existing lapse date.

## **3. COMMISSION'S MEETINGS AND SITE VISIT**

As part of its assessment of the proposal, the Commission met with the Department and the proponent and visited the site. Notes from these meetings and the site visit are provided in **Appendix 1**. The Commission also conducted a public meeting. The list of Speakers is at **Appendix 1** and a summary of issues from the public meeting are provided in **Appendix 3**.

### **3.1 Briefing from the Department**

On 6 April 2017, the Department briefed the Commission on the Project. Key issues discussed included other wind farms that have been granted an extension to the lapse date, the ability to modify the lapse date for Part 3A approvals, the status of the Capital Community Committee, bushfire risk and concerns about the Jupiter Wind Farm proposal.

### **3.2 Briefing from the Proponent and Site Visit**

On 27 April 2017, the Commission visited the site and aspects of Capital 1 Wind Farm accompanied by the proponent. In particular, the Commission travelled along Tarago Road, Taylors Creek Road, Western Leg Road and the internal roads within the site. The Commission also viewed operational turbines 16-19 of Capital 1 Wind Farm.

Following the site visit, the proponent briefed the Commission on the project. The proponent gave reasons for not having commenced construction necessitating the application for extension of the lapse date. The proponent also advised that it had no objection to the Department's recommendation to update the condition relating to the Community Consultative Committee and other administrative conditions.

The proponent objected to the Department's recommendation that approval should lapse two years after the date on which the approval for this modification request is granted.

### **3.3 Public Meeting**

The Commission held a public meeting at The Carrington Inn, 21 Malbon Street, Bungendore on 28 April 2017 to hear the public's views on the proposal. The main issues of concern include the Department's Assessment Report, the development assessment process, the proposed lapse date, economic impacts, impacts on local communities and the use of the land.

## **4. COMMISSION'S CONSIDERATION**

In this determination, the Commission has considered carefully:

- all information provided by the proponent;
- the Department's assessment report;
- advice and recommendations from government agencies;
- written and verbal submissions from the public
- relevant matters for consideration specified in section 79C of EP&A Act, including:
  - relevant environmental planning instruments;
  - the *Environmental Planning and Assessment Regulation 2000*;
  - the likely impacts of the development on both the natural and built environments;
  - social and economic impacts in the locality;
  - the suitability of the site for the development;
  - written and verbal submissions from the public; and
  - the public interest, including the objects of the EP&A Act.

### **4.1 Scope of Key Issues**

The proponent set out its reasons for the modification request (refer section 1.3). In the assessment report the Department acknowledged that (in its view) *"there has been considerable uncertainty in the renewable energy industry over the last 3 to 4 years as a result of the RET, and (that) this has resulted in the delays in the development of a number of wind farm projects across NSW"*. However, the Commission observes that neither the Department nor the proponent adduced or appears to have relied on evidence that is capable of being interrogated by the Commission.

At the public meeting and in submissions, members of the community were of the view that the lapse date should not be extended. There was a general view that if the proponent intended to proceed, the Project should be re-submitted for approval and be subject to a new assessment that had regard to changes in the environment and the new wind farm guidelines.

The Commission observes that there is no statutory impediment to the proponent requesting a modification under section 75W of the EP&A Act. The Commission has therefore focused on the merits of the request and whether the environmental assessment for the original project application, together with the environmental assessments for all subsequent modifications remains sufficiently robust to approve an extension of the lapse date.

The Commission also considered economic and social impacts, the duration of the extension, issues with the community consultative committee, other amendments to the project approval and other issues raised by the community, including bushfire risk, permissibility, the financial capability of the proponent to decommission the wind turbines, biodiversity, property values, and the suitability of the site.

#### **4.2 Validity of the Previous Environmental Assessments**

In written and verbal submissions, members of the community nominated changes to the physical environment of the site and the science and policy environment in relation to wind turbine impacts. By way of example, one speaker observed that Lake George, an endorheic or closed lake, presently contains a large body of surface water supporting abundant bird life. Whereas, the ecological studies for the original project application would have been carried out when it was not full of water. Another speaker highlighted recent monitoring for the “critically endangered Bent-wing Bat” in the Mount Fairy cave system and stated that there was evidence to suggest the year-round use of the caves by the bats. Another highlighted a range of international publications on methods for view impact assessment that are more recent than the assessment included in the original project approval, while others expressed doubt that no new residences had been constructed in the locality and questioned the Proponent’s estimate of the distance to Bungendore and Buckingham Estate (to the north of Bungendore).

The Commission noted that the Department published a new Visual Assessment Bulletin for wind farms in December 2016, which includes an approach to visual impacts that is more sophisticated than the 2011 draft guidelines and the visual assessment methodology employed in the original project approval.

In its assessment report, the Department concluded that there had been no significant changes in the receiving environment since the original approval and its subsequent modifications. The Department considered the lapse date could be extended without any increase in the environmental impacts that were assessed. Of note, neither the Office of Environment and Heritage (OEH), nor the Environment Protection Authority (EPA) raised any issues with an extended lapse date.

In relation to biodiversity impacts, the Department noted that the Proponent had carried out an additional bird and bat impact assessment for Modification 2 (approved in June 2015), which indicated negligible environmental risks for an increase in blade length for each of the approved turbines. The approval of Modification 2 included an updated and comprehensive condition requiring the preparation of a Bird and Bat Management Plan before construction, based on current monitoring data acquired with contemporary monitoring methods specified in the 2013 Australian Wind Energy Association Best Practice Guidelines. The OEH advised then that it accepted the findings of the assessment for Modification 2 (which included an assessment of waterbirds) and advised for Modification 4 that it had “*no major opposition to extending [the lapse date]*”, provided the turbines incorporate innovative technologies to minimise bird and bat strikes.

The Commission has considered carefully the views of the community and the Department’s position on the continuing validity of the environmental assessments.

The Commission is satisfied that there are no new residential receivers that require a new or updated visual impact assessment. Any new residences in the town of Bungendore, or Buckingham Estate, are in a 'class' of receivers that were assessed for the original project application and Modification 2 (approved two years ago). The existing project approval does not include mitigation measures for this 'class' of residence. Indeed, these localities lie beyond the distance specified in the December 2016 Visual Assessment Bulletin for "*further detailed [visual impact] consideration*". The Commission notes the Department's assessment report, which advises that there were no objections to modification 4 from any residence located within five kilometres of the site of wind farm.

The Commission is also satisfied that the original and June 2015 ecological assessments of the project, and the updated bird and bat management approval conditions, are adequate to support an extended lapse date. Any species taking advantage of Lake George being full of water would be unlikely to rely on the lake for species continuity, especially given the modified nature of the lake bed. The various species of Bent-wing Bats occurring in the locality would be listed as vulnerable and additional baseline surveys are required to inform the required pre-construction management plan and appropriate mitigation measures. The Commission also notes that the 2015 ecological survey included waterbirds, at the specific request of OEH and that OEH raised no issues to Modification 2 or to Modification 4.

The Commission is satisfied that the previous assessments of the impacts of the Project on the surrounding environment remain sufficiently robust to support an extension to the approval lapse date.

#### **4.3 Economic and Social Impacts**

The proponent and the Department claim a number of benefits should the project proceed, including that it would provide approximately \$240 million of direct investment into the NSW economy and that it would create renewable, low carbon electricity to power 60,600 homes.

In written and verbal submissions, some members of the community disputed these claims. Some community members questioned whether the capital investment would flow entirely to NSW or instead to international equipment suppliers. Others raised doubt about the number of jobs that would be provided by the wind farm.

The Commission notes that the capital investment value stated by the proponent in the original environmental assessment, application form and this modification has varied between \$100 million, \$180 million, and now \$240 million.

Notwithstanding, as detailed in the response to submissions for modification 2, the Commission notes that the proponent proposed a Voluntary Planning Agreement with (then) Palerang Council, providing a once off payment of \$20,000 (plus GST and CPI) per installed wind turbine. The funds will be allocated to the construction of a new sports field for Bungendore. An existing approval condition (B29) requires any arrangement to be the subject of a Voluntary Planning Agreement.

The Commission also observes that the Capital Community Committee established by the proponent for its other projects, has approved over \$130,000 in funding for local projects, including \$12,500 towards the Weereewa Festival 2014 and \$5,000 towards the Bungendore Spring Ball 2015.

The Commission accepts as reasonable that that a project of this size will make a considerable contribution to the local economy of the Queanbeyan and Palerang region. It will provide some ongoing local employment in addition to the short-term construction work force and will also provide hosting fees to local landowners, which would result in social benefits.

The Commission is satisfied that the wind farm would provide material economic benefit to the local area and NSW and result in public benefit in the form of job creation, contributions to Council to be used for community projects, payments to host landowners and other indirect economic and social benefits.

#### **4.4 Duration of Extension**

Many written submissions and speakers at the public meeting expressed significant disappointment with the uncertainty that has arisen with the proposal to extend the lapse date. Many of those who spoke at the public meeting explained the stress that comes with such uncertainty including feeling that they have had their lives placed 'on hold' waiting for the proponent to decide whether to proceed.

The Commission notes that Queanbeyan-Palerang Regional Council has expressed support for the proposed extension of the lapse date due to its economic and environmental benefits.

In its assessment report, the Department acknowledged the community's concerns and in response proposed a two-year extension instead of the five years requested. In so doing, the Department noted that there is no fundamental environmental or current policy constraint that would prevent the Proponent from commencing and that two years would provide sufficient time to make meaningful progress in developing the wind farm.

On balance, the Commission finds that given the economic and social benefits of the wind farm and the adequacy of the previous assessments, an extension of the lapse date is reasonable. However, the Commission also considers that the community concerns around continued uncertainty are valid. The Commission has therefore determined that a one year extension is sufficient to enable the proponent to commit to the project and commence works. The Commission has updated condition A4 accordingly.

#### **4.5 Community Consultative Committee**

Concern was raised in submissions that the Capital Community Committee is not being operated in accordance with condition C6, which required the proponent to establish a formal Community Consultative Committee (CCC).

In response to this concern, the Department has recommended that condition C6 be updated to require the Proponent to establish a formal CCC within 4 months of the approval date of this modification request. The formal CCC must be operated in accordance with the *Community Consultative Committee Guidelines for State Significant Projects (2016)* recently adopted by the Department. This will ensure the CCC has an independent chair and proper administrative oversight by the Department. The Commission supports these amendments to condition C6.

#### **4.6 Other Amendments to the Project Approval**

The Commission notes that the Department has used this modification request as an opportunity to contemporise conditions A13-A17 of the project approval to align with other wind farms approvals in NSW. These conditions relate to notification; incident reporting; updating and staging of strategies, plans or programs; the final layout plans; and micro-siting restrictions. The Commission supports these updates to the conditions.

At the public meeting, one member of the community stated that a standard condition relating to the Proponent's obligation to minimise harm to the environment has been included in the project approvals for Yass Valley Wind Farm, Crudine Ridge Wind Farm and Biala Wind Farm, but is absent from the Capital 2 project approval. In order to promote consistency in project approvals for wind farms, the Commission has inserted this condition as A18 in the project approval.

#### **4.7 Bushfire Risk**

Some members of the community raised concern about the risk of bushfire from the wind turbines noting in particular the Currandooley Fire that occurred near Tarago on 17 January 2017.

On 20 January 2017, the NSW Rural Fire Service (RFS) issued a media release stating that the “*NSW RFS fire investigators on the Currandooley Fire at Tarago, have determined the fire started as a result of a bird flying close to high voltage powerlines, igniting and landing in dry grass*”.

The Commission notes that the project approval contains conditions (B16 and B17) to address bushfire risk. These conditions include requirements for all project components to minimise ignition risk and for the Proponent to regularly consult with the RFS over the life of the Project on appropriate fire risk measures.

#### **4.8 Permissibility of the Wind Farm**

At the public meeting, one person suggested that a wind farm is not a permissible use of the land under *Palerang Local Environmental Plan 2014*. Under this plan, the site is zoned RU1 – Primary Production, which does not specify a wind farm as a permissible use.

The Commission notes that the permissibility of the wind farm was assessed as part of the original environmental assessment and that the *Palerang Local Environmental Plan 2014* post-dates the project approval. At the time of the original approval, the turbines and part of the transmission infrastructure were in areas covered by the former *Mulwaree Local Environmental Plan 1995*. Other parts of the transmission infrastructure were in areas covered by the former *Yarrowlunla Local Environment Plan 2002*. All areas of the site were zoned 1(a) General Rural and wind farms and associated infrastructure were permissible uses in this zone with development consent.

Notwithstanding, *State Environmental Planning Policy (Infrastructure) 2007* applied and continues to apply to the Project. Clause 34(1) of Division 4 of this policy states that development for electricity generating works may be carried out with consent on land in the RU1 – Primary Production.

#### **4.9 Decommissioning of Wind Turbines**

At the public meeting and in submissions, concerns were raised regarding the financial capability of the Proponent to decommission the wind turbines at the end of the project life.

The Commission notes that the wind turbine industry in New South Wales is relatively new and that there is no current government policy relating to a proponent’s financial arrangements for decommissioning. The project approval includes conditions (G1 and G2) that require the removal of decommissioned wind turbines both at the end of the project life and, if any individual turbine is inoperable, for a continuous period 12 months.

The Commission is not in a position to doubt that the Proponent will comply with the conditions and notes that the Department can enforce compliance. The existing conditions are satisfactory in this regard. To strengthen the conditions, the Commission agrees with the Department’s recommendation to modify condition G3 to require the Decommissioning Management Plan to be prepared six months, rather than one month, prior to the decommissioning of any turbine.

#### **4.10 Property Values**

Some speakers at the public meeting raised concern about the wind farm impacting on property values. The Commission notes that the Land and Environment Court matter *King & Anor v Minister for Planning; Parkesbourne-Mummel Landscape Guardians Inc v Minister for Planning; Gullen Range Wind Farm Pty Limited v Minister for Planning* ([2010] NSWLEC 1102) considers property values for sites adjacent to a wind farm. The judgement determined that there was no loss of property value to which the Court could lawfully have regard, as the wind farm was permissible with consent.

In its judgement the Court determined that, *'If the concept of blight and compensation were to be applied to a private development, then any otherwise compliant private project which had some impact in lowering the amenity of another property (although not so great as to warrant refusal on general planning grounds when tested against the criteria in s 79C of the Act) would be exposed to such a claim'*.

The Commission considers that this judgement is applicable to this modification application and that impacts to property values cannot be given determinative weight in the context of a proposal that is otherwise acceptable on all other planning grounds.

#### **4.11 Suitability of the site**

The site has a high average wind speed, is immediately adjacent to the operational Capital 1 Wind Farm and would share major transmission and transformer infrastructure. The Commission notes that as per the landholder agreements, landholders of the properties on which the Capital 2 wind farm turbines would be hosted would continue to have access to the project site for the purposes of ongoing grazing and pastoral activities. This would minimise conflict between uses of that land. The Commission also notes the Department's evidence that no landowners within five kilometres of the site have objected to this modification request. Consequently, the Commission is satisfied that the site is suitable for development of the proposed wind farm.

### **6. COMMISSION'S FINDINGS AND DETERMINATION**

The Commission has considered carefully the Proponent's proposal, the Department's assessment report and the relevant matters for consideration under section 79C of the EP&A Act. The Commission has noted the comments from Queanbeyan-Palerang Regional Council, and government agencies including OEH, EPA, Roads and Maritime Services, Department of Primary Industries, and NSW Department of Industry – Division of Resources and Energy. The Commission has also heard from members of the community about the proposal during the public meeting in Bungendore and has considered the written submissions.

The Commission considers that the proposed modification request does not fundamentally change the essential nature of the development in its currently approved form. The project approval, as modified, would provide the same wind farm as assessed in the original project application and subsequent modification applications. In the Commission's view, the extension to the lapse date is within the scope of section 75W and may be considered under section 75W.

The Commission is satisfied that the site is suitable for the development of a wind farm and that a wind farm is a permissible use of the site. The Commission is of the view that it is in public interest to provide greater certainty to the community about the development of the wind farm and has therefore granted the proponent just one year to commence works and activate the project approval.

The Commission is also satisfied that the previous assessments of the impacts of the proposed Capital 2 wind farm on the surrounding environment and project approval remains sufficiently robust to support an extended lapse date.



The Commission has amended the condition governing the CCC, which would go some way to addressing the concerns raised by the community about the management and functions of the Capital Community Committee. The Commission has also made administrative amendments to the project approval so that it aligns with other wind farm approvals in NSW.

For the reasons set out in this report, the Commission has determined to approve an extension to the lapse date of one year from the date of the approval of this modification request, subject to the conditions set out in the project approval.



**Mr John Hann (Chair)**  
**Member of the Commission**



**Mr Stephen O'Connor**  
**Member of the Commission**



**Ms Annabelle Pegrum AM**  
**Member of the Commission**

**APPENDIX 1  
RECORDS OF COMMISSION MEETINGS**

**Notes of Briefing from the Department**

This meeting is part of the determination process.		
<b>Meeting note taken by</b> Jade Hoskins	<b>Date:</b> 6 April 2017	<b>Time:</b> 4pm
<b>Project:</b> Capital 2 Wind Farm Modification 4		
<b>Meeting place:</b> Commission Office		
<p><b>Attendees:</b>            Commission Members:            John Hann (chair), Stephen O'Connor and Annabelle Pegrum AM (by telephone)            Commission Secretariat:            David Mooney - Team Leader and Jade Hoskins - Senior Planning Officer            The Department of Planning and Environment (The Department):            David Kitto – Executive Director, Resource Assessments and Business Systems and Nicole Brewer – Team Leader, Resource Assessments</p>		
<b>The purpose of the meeting:</b> For the Department to brief the Commission on its assessment report.		
<p>The Department advised that:</p> <ul style="list-style-type: none"> <li>• The construction of some wind farms, such as Glen Inness and Silverton, have been delayed due to the uncertainty created by the Commonwealth's Renewable Energy Target policy review.</li> <li>• In Part 3A project approvals, the lapse date ('limits of approval') is conditioned and is able to be varied by a modification request, subject to assessment.</li> <li>• Modifications to part 3A project approvals (s75W applications) may be repealed if the new planning reforms are passed by both Houses of the NSW Parliament. If this happens, any further modifications would be under s96.</li> <li>• Capital Wind Farm and the proposed Capital 2 Wind Farm are not in close proximity to residential development.</li> <li>• The proposed modification would have no greater impacts than the previous approved applications.</li> <li>• Some submissions raised concern about the Capital Community Committee. Since the project approval has not been activated, there is no statutory requirement for a formal Community Consultative Committee (CCC) to be operating. The condition relating to the CCC has now been updated to reflect the <i>Community Consultative Committee Guidelines for State Significant Projects (2016)</i>. Under this condition, a new CCC would need to be established and overseen by the Department, including the appointment of an independent chair.</li> <li>• Many submissions were concerned not only about Capital 2 but also about the proposed Jupiter Wind Farm.</li> <li>• There is no increased risk of grass fire from wind farms. The RFS has confirmed that the recent fire at the Capital Wind Farm was caused by a bird contacting transmission lines.</li> </ul>		
<b>Meeting closed at</b> 4:45pm		

## Notes of Site Visit and Briefing from the Proponent

This meeting is part of the determination process.		
<b>Meeting note taken by</b> Jade Hoskins	<b>Date:</b> 27 April 2017	<b>Time:</b> 2:30pm
<b>Project:</b> Capital 2 Wind Farm Modification 4		
<b>Meeting place:</b> Capital Wind Farm Site Office – 1279 Tarago Road, Bungendore		
<p><b>Attendees:</b>            Commission Members:            John Hann (chair), Stephen O’Connor and Annabelle Pegrum AM            Commission Secretariat:            David Mooney - Team Leader and Jade Hoskins - Senior Planning Officer            Infigen (the proponent):            Frank Boland – Project Manager and Michael Johnson – Site Manager</p>		
<p><b>The purpose of the meeting:</b> For the Commission to visit the site and for the proponent to brief the Commission on its views on the Department’s assessment report.</p>		
<p>On the site visit, the Commission travelled along Tarago Road, Taylors Creek Road and Western Leg Road. The Commission also inspected operational turbines 16-19 of Capital 1 Wind Farm.</p> <p>At its briefing with the Commission, the proponent advised that:</p> <ul style="list-style-type: none"> <li>• It believed it was more transparent to lodge an application to extend the lapse date rather than commence construction.</li> <li>• Construction has not commenced because there has been five years of political and market uncertainty.</li> <li>• Capital 2 Wind Farm will be a lower yielding site than Capital 1 Wind Farm.</li> <li>• Wind turbine technology is constantly changing and Infigen has had to adapt to keep its business viable.</li> <li>• Capital 2 Wind Farm will utilise existing Capital 1 Wind Farm infrastructure, including roads, the grid connection and the substation.</li> <li>• The Capital Community Committee has good attendance and functions well. However, the proponent has no objection to the proposed condition to establish a CCC in keeping with the new guidelines</li> <li>• They have no objection to the Department’s recommendations to update other administrative conditions.</li> <li>• They are a developer-operator and therefore it is important to them to have a good relationship with the community.</li> <li>• They organise the Woodlawn Fun Run every year and Tarago receives the proceeds.</li> <li>• The proponent offers site visits of Capital Wind Farm to the public which are well attended.</li> </ul>		
<b>Meeting closed at</b> 5:45pm		

**APPENDIX 2  
LIST OF SPEAKERS**

**Planning Assessment Commission  
Capital 2 Wind Farm Mod 4**

Date and Time: Friday 28 April, 9:30am

Place: The Carrington Inn, 21 Malbon Street, Bungendore NSW 2621

**List of Speakers**

1. Barry O'Neill
2. Tony Hill
3. Carmel Johnston
4. Tony Gardner
5. Greg Faulkner
6. Michael Crawford (Residents Against Jupiter Windfarm)
7. Marguerite Gardner
8. Shane Harmer
9. Richard Graham
10. Jane Keany
11. Pam Hawke

### APPENDIX 3

#### SUMMARY OF ISSUES FROM WRITTEN AND VERBAL SUBMISSIONS TO THE PUBLIC MEETING

The following issues were raised:

##### Department's assessment report and planning process

- The ability to modify development consents does not encourage developers to comply with their consents and does not provide the community with certainty about decisions.
- Public exhibition ended on 10 October 2016, but agencies comments on the application were accepted well after this date. This is unfair to the public.
- The Department's Assessment Report focuses on the benefits of the proposal.
- The Department's Assessment Report contains many misleading claims.
- There was no accompanying documentation notified with the Department's Assessment Report (for example, there was no political donations statement).
- The Department needs to take all the submissions into account.
- The turbines are closer to residences than stated in the Department's assessment report. The distances need to be verified.
- The proponent is provided with significant time to respond to submissions, whilst the community is only given a few weeks to comment on the application.
- This is the fourth modification to Capital 2. The submissions may not reflect community sentiment – some people have not put in submissions because they have consultation fatigue.
- The modification and assessment process favours the wind farm developers.
- The community is demoralised and needs certainty in the assessment process and in the conditions of approval – there is none with constant modifications.
- Response to submissions should enable submitters to confirm that their specific issues have been addressed
- The consent for Capital 2 does not include an obligation to minimise harm to the environment (as required by other projects).
- Council imposes construction time limits for smaller development applications. It is not fair that the same rigor does not apply to wind farm lapse times.
- The proponent should lodge a new application as there have been changes to the surrounding environment. For example, Lake George is currently full, new residences have been constructed within proximity to the site and the OEHL has recently discovered that Mount Fairy Caves are used continuously throughout the year by Bent-wing Bats.

##### Proposed lapse date

- The request to extend the lapse date demonstrates a lack of project management and planning by the proponent.
- The proponent has had ample time to find an investor and begin construction.
- The proponent should lodge a new application for the wind farm as there have been changes to the surrounding environment and community sentiment.
- The proponent should lodge a new application as there have been changes to the assessment of wind farms with new guidelines introduced.

- The lapse conditions is meaningless if it can be so easily extended. Regulation should adopt the 'use it or lose it' approach.

#### Economic impacts

- Wind farms adversely impact on the coal industry, which may reduce the number of mining jobs available.
- Turbines are manufactured overseas and there is limited benefit to Australian manufacturing.
- Local economy is not stimulated. Capital 1 has generated few local jobs.
- Construction jobs are temporary.
- There is no provision to ensure decommissioning funding.
- Wind farms impact on property values.
- Wind farms may not impact the property values of agricultural properties, but does negatively impact on the value of rural residential properties and lifestyle/hobby farms.

#### Impacts on local communities

- The wind farm would produce noise and have visual impacts.
- Wind farms cumulatively have a visual impact.
- There is community fracturing between property owners who host wind turbines and the rest of the community.
- It is stressful not knowing how, if and when the wind farm will affect your property.
- By approving so many wind farms in this area, NSW seems to be re-zoning by stealth agricultural land to industrial land.
- Wind farms are not in the local interest – this should be taken into account when considering public interest.

#### Other

- New studies on how to measure visual impacts have been conducted since the original approval for the wind farm in 2011.
- Wind farms destroy electricity security because a high proportion of solar/wind energy creates grid instability.
- There are 10-15 days per year where there is no wind.
- The science does not confirm that wind farms lower greenhouse emissions.
- The fire protocols for the site are inadequate.
- The Capital 1 Wind Farm likely caused the recent fire that destroyed property.
- The Palerang LEP/DCP does not provide for electricity production.