

Chair and Members

I am Michael Chapman, Solicitor #2567 NSW

I represent Phillip Bennett and Garryowen Pastoral Company at [REDACTED] whose boundary is 3.5km from the Goldwind site. It is 1953 hectares

In my opinion and experience, the Department's Consultation Process cannot be relied upon as accurate or fair, in fact it is distorted Goldwind has obtained agreement from 25 non-associated residences accepting the visual impacts; these agreements have been obtained by payments made to the owners and no figure is given for the total number of residences involved in the area

As a result, the Department's assessment focused on the 8 remaining non-associated residences located within 3.4km from a turbine.

But why 3.5km ? Sorry I made a mistake, an intentional mistake – its 3.4km that the Department focussed on, because our property is 3.5km and its almost 2000 hectares. Please tell me this is not selective and it does not produce a distortion of reality.

To use the additional 25 agreements as if it reflects community support is a false premise, so the departments assessment of the visual impact must be considered to be flawed as well as distorted.

The Department's approach appears to consider the individual opinion of people without regard to quantum of areas of land affected.

How can you disregard 2000 hectares?

Do people count because they can speak but flora and fauna are ignored because they cannot?

Increase in Height not Modest these turbines are 171 m high almost double the size of the Capital Wind Farm which are 100m. The recently refused wind farm Jupiter Wind Farm had a proposed tip height of 150-170m and was viewed as being unacceptable from a visual point of view.

There has been Zero Consultation with us by Department of Planning & Environment (Department) and zero consultation with us by Goldwing

We have never been consulted or our views sorted by the proponent about the impacts of the proposal. The project will be clearly visible from about 80% of our land.

We have never had any consultation from the Department. The first contact from the Department was October 16, 2018 because we sent an objection to the amended development.

Due to the size of our landholding and its proximity to Goldwind we are critically affected

We believe the proponent and the Department have not acted in good faith.

Visual impact not acceptable

The only way we can fully understand the modified proposal was to commission Ascent Digital to provide a series of photographic montages of the existing Capital Windfarm with the proposed turbine towers superimposed to provide a montage. They were viewed from two distances 3.5k away and the 5k away. The view is approximately in line with the Anderson VC Rest Area adjacent to Lake George, NSW on the Hume Highway and these will be displayed and handed up to you

They demonstrate at the two different distances an unacceptable visual impact

The visual impact is dramatic and not as the Department says “negligible”.

Impact on Bio-diversity not acceptable The land clearing will increase significantly the number of trees destroyed, most of which belong to local tree species that are endangered. Included in the trees to be cleared will be a substantial number of slow growth trees most are over 100 years old and some up to 200 years. It is impossible to replace these trees with plantings

Garryowen Pastoral has over the last 15 years planted approximately 100,000 trees mostly endangered local species, planted in corridors leading to a bird sanctuary that is monitored from time to time by Canberra University. The tree planting has contributed to rehabilitating the land as well as cleaning the water flow to the Murrumbidgee River. The construction of Goldwind will undermine everything we have done

The Department appears to have based its assessment of the impact of the modified project regarding its impact on threatened species. The statement in the Assessment

“importantly, Goldwing has advised that it would not be able to construct the project as approved with the existing vegetation clearing restriction” indicates that this was the main factor in saying there is no significant Biodiversity risk.

The department’s executive summary states the proponent would not be able to construct the project approved with the existing vegetation clearance restriction. They want the vegetation clearing to be increased from 85 to 276 hectares. That’s a 224% increase in ripped out vegetation and that excludes road widening.

We should all ask ourselves the most critical question of this inquiry – would the proposal as now proposed with 276 hectares of clearing have been approved ?

No of course it would not --- because the consent authority required the clearing to be reduced to 85 so why would they allow it to be trebled? Yes trebled?

That being so – why should it be approved now when the consultation and assessment process appears to be distorted?

That is the first and most critical question

The secondary questions are

1. What is the health issue regarding the increase in noise levels as no objective base measurement has been agreed on?
2. How will any breaches of the noise level be monitored, and these breaches rectified?
3. What is the enforcement process?

Now I would like to comments on Goldwing Response

7.15

there is no formal agreed environmental plan to minimise visual scarring of the prominent hillside from excavation, cut and fill, road access and infrastructure works.

These are huge structures requiring huge foundations of concrete and huge foundations and geotech excavations

The visual impact of these has been omitted

Why?

The proposal is vague regarding the quantum of areas affected, how it will be restored, and re-growth plantings (if any)

7.16

Goldwing acknowledges that a de-commissioning management plan is required at the end of the economic lifecycle

There is no security bond

There is no bank guarantee

to fund removal, restoration and remediation of the sites

what if Goldwing falls over or takes the funds back to China?

Why does the Department not address this issue?

Let me tell you if this was a marina site on Sydney harbour there would be a bank guarantee in place to pay for the entire removal and restoration of the harbour seabed after 25 years

Why not here?

Has the Department done its job to protect NSW taxpayers against this risk of a hundred rusting towers and concrete? No

The Department has overlooked a major risk exposure to the NSW Government of having to remove structures and clean up at taxpayer expense.

Water Consumption Plan

There is no plan for water use management for sourcing, transporting and storing water and for disposal of excess water. A huge amount of water will be used in concrete works and road construction.

Where and how is water to be stored?

Where will storage tanks be located?

Will water storage tanks be removed after use?

We here all know that empty water storage tanks perched on top of a high wind location have blown off hilltops and hillside in gale-force winds

Has this risk been considered?

How will the risk be managed?

IN SUMMARY

Department's consultation process cannot be relied upon as accurate or fair.

Increase in height not modest.

Proponent's Consultation process cannot be relied upon

Visual Impact not acceptable.

Impact on bio-diversity not acceptable.

No viable plan to replace endangered low growth tree species.

Potential reduction in the value of the surrounding land

No clear plan as to how the build can be done on the steep site

No binding agreement to ensure that funds are available to remove the turbines and the end of their useful life

No binding agreement in regard to water supply

Thank you

Michael Chapman OAM

[Redacted signature block]

7/11/2018



The Secretary

Independent Planning Commission NSW

Level 3,201 Elizabeth Street

Sydney NSW 2000

Re: Yass Valley Wind Farm Modification Assessment (SSD 6698 Mod 1)

This written submission is on behalf of myself as an owner/operator of the property known as Garryowen Pastoral.

Identification of the critically affected objector:

Our home is approximately 5km away and our western boundary approximately 3.5km away.

The land involved in Garryowen Pastoral (378 Garryowen Rd Binalong 2584) is approximately 4,800 acres 1953ha and is made up of the Lots and DP's as follows:

Garryowen Pastoral is a consolidation of three properties:

Garryowen

Lot 1-4 DP 1194774, Lot 2 Lot 539537, Lot 9-DP 753618, Lot 292 Lot 753591,

Lot 100-DP 618762, Lot 109 DP 753618, Auto Consol 11222-112,14492-180, 3434-118, 3802-4

Bobbara Creek

Auto Consol 14492-180

Lots 282-287 in DP 753591

Lots 20, 21, 26-29, 45, 75, 76, 77, 110, 181 in DP 753618

Gwandoban

Lot 100 DP 618672

Department's Consultation Process cannot be relied upon as accurate or fair

The Assessment document notes that Goldwind has obtained agreement from 25 non-associated residences accepting the visual impacts. It is understood that these agreements have been obtained in the most part by payments being made to the owners/occupiers of these residences. No figure is given for the total number of residences involved in the area described.

"As a result, the Department's assessment focused on the 8 remaining non-associated residences located within 3.4km from a turbine."

To use the additional 25 agreements as if it reflects community support is a false premise, so the departments assessment of the visual impact must be considered to be flawed.

The Department's approach appears to consider the individual opinion of people without regard to quantum of areas of land affected.

Increase in Height not Modest

The increase in height is approximately 14% however this is described as modest which is a subjective view and is certainly not my view and does not recognise that these turbines are 171 m high in total which is almost double the size of the Capital Wind Farm which are 100m. The recently refused wind farm Jupiter Wind Farm had a proposed tip height of 150-170m and was viewed as being unacceptable from a visual point of view. The topography of the Jupiter sight and the number of dwellings affected is like that being proposed by Goldwind.

Zero Consultation with us by Department of Planning & Environment (Department) or Goldwind

Neither myself or my husband have ever been consulted or our views sort by the proponent about the impacts of the approved project or the proposed modified project CWF. The project both modified and approved will be clearly visible from about 80% of our land. This is a clear inconsistency in the Departments view of what is acceptable and what is not acceptable. This needs to be explained

We have also never had any consultation from the Department. The first contact we have had from the Department of Planning and Environment was on October 16, 2018 and this was caused by us having sent a written objecting to the amended development. It is also regrettable that we were never notified of the prior approved development during the assessment period of that project.

Due to the size of our landholding and its proximity to the CWF we are critically affected stakeholders.

It appears to us that the approach taken by the Department and Goldwind is to regard the opinion of people to be more important than owners of adversely affected biodiverse land.

This has led us to think that the department and Goldwind have been selective in whom they contacted and not contacted

We believe that by omitting to contact us and omitting to consult us, the proponent has not acted in good faith.

We are not hard to contact both Council's involved have on file our mailing address.

Why were we never contacted?

Visual impact not acceptable

The only way we could fully understand the modified proposal was to commission Ascent Digital to provide a series of photographs of the existing Capital Windfarm with the proposed turbine towers superimposed to provide a montage. They were viewed from two distances 3.5k away and the 5k away. The view is approximately in line with the Anderson VC Rest Area adjacent to Lake George, NSW

The photos attached demonstrate at the two different distances an unacceptable visual impact in a rural context particularly when you consider the height increase of the Coppabella range and its more "mountain" environment over the rolling hills of the Capital Wind Farm site

At both distances:

1. The 100m Capital Wind Farm turbines
2. The 150m wind turbines superimposed on the Capital Wind Farm site
3. The 171m wind turbines superimposed on the Capital Wind Farm site
4. The land without any turbines
5. The 150m and 171m turbines compared.

An additional shot to get perspective, showing a house on the Capital Wind Farm site close to the turbines with a 150 and a 171 wind turbine behind it.

The wind turbine blade increases and height increase has increased the range of unacceptable visual impact in an exponential manner.

The visual impact is dramatic and not as the Department says "negligible".

Impact on Bio-diversity not acceptable

The land clearing will increase significantly the number of trees destroyed, most of which belong to local tree species that are endangered. This will further increase the visual impact as well impact the rehabilitation of local bird life. Included in the trees to be cleared will be a substantial number of slow growth trees most of which would be in excess of 100 years old some would probably be older than 200 years. It is impossible to replace these trees with plantings as proposed.

Garryowen Pastoral has over the last 15 years planted approximately 100,000 trees mostly endangered local species. These have been planted in corridors leading to a bird sanctuary that is monitored from time to time by Canberra University. The tree planting has contributed to rehabilitating the land as well as cleaning the water flow to the Murrumbidgee River. It also has made a significant contribution to carbon absorption. The construction of CWF will have a negative impact on all the areas we have tried to improve.

The Department appears to have based its assessment of the impact of the modified project regarding its impact on threatened species or EECs, and that it would not pose a significant or unacceptable level of risk to birds or bat species on what Goldwind wants. The statement in the Assessment "Importantly, Goldwind has advised that it would not be able to construct the project as approved with the existing vegetation clearing restriction" indicates that this was the main factor in saying there is no significant Biodiversity risk.

This is reinforced by the closing paragraphs of the Executive summary detailing the economic benefits. These paragraphs also start with the word "Importantly"

We are surprised that CWF is proposing to the NSW government a project amendment that will greatly increase the number of trees being destroyed, most of which can not be replaced as they are slow growth and over 100 to 200 plus years old.

The Visual and Bio-diversity impact will reduce buyer interest in the land and therefore value

The Department does not refer to the potential for reduced land value however Goldwind do in 7.14 of their Proponent's Response to submissions

The NSW Valuer General report quoted is a general document and was done in 2009 and is titled as a "Preliminary assessment". Two cases in the Land and Environment Court are also quoted however these relate to specific issues which may or may not be applicable to the Yass Valley Wind Farm.

There have been several objections based on Visual/bio-diversity grounds, these are in the majority of local residents. It is certainly reasonable to assert that buyers looking for a country/peaceful place to live would not consider an area that has a wind farm close by as they are visually disturbing whilst they are rotating and an unacceptable visual structure on the local mostly unbuilt environment.

A reduction in potential buyers will reduce competition for the land and hence reduced price.

This possible reduction in the value of surrounding land is real and needs to be assessed. In Europe it is a key issue in approving wind farms and or compensation being provided to affected land holders

Issues not adequately addressed

1. Would the project as currently proposed have been approved if it had been presented in this form originally?
2. What is the health issue regarding the increase in noise levels as no objective base measurement has been agreed on?
3. How will any breaches of the noise level be monitored, and these breaches rectified?
4. What is the enforcement process?
5. What is the potential reduction in surrounding land values?

Comments on Goldwind Response

7.15

Goldwind acknowledges that the topography is difficult to build upon, however there is no formal agreed environmental plan to minimise visual scarring of the prominent hillside from excavation, cut and fill, road access and infrastructure works.

The proposal is vague regarding the quantum of areas affected, how it will be restored, and re-growth plantings (if any)

7.16

Goldwind acknowledges that a de-commissioning management plan is required at the end of the economic lifecycle

Goldwind does not provide a bank guarantee or security bond to fund removal, restoration and remediation of the sites; what if Goldwind fails to do so or if Goldwind is wound up or insolvent?

Why does the Department not address this issue?

The Department appears to overlook a major risk exposure to the NSW Government of having to remove structures and clean up at taxpayer expense.

Water Consumption Plan

There appears to be no plan for water use management for sourcing, transporting and storing water and for disposal of excess water. Significant volume of water will be used in concrete works and road construction.

Where and how is water to be stored?

Where will storage tanks be located?

Will water storage tanks be removed after use?

NOTE empty water storage tanks exposed in high wind locations have been known to be blown off hilltops and hillside in gale-force winds (these not uncommon in the are of the proposed wind farm)

Has this risk been considered?

How will the risk be managed?

Alternative approach to possible address our concerns

Installation of a solar or a hybrid approach of solar and wind.

Goldwind have expertise in this area and this should be explored with them as alternative.

Significant issues raised:

Departments consultation process cannot be relied upon as accurate or fair.

Increase in height not modest.

Consultation process not comprehensive.

Visual Impact not acceptable.

Impact on bio-diversity not acceptable.

No viable plan to replace endangered low growth tree species.

Potential reduction in the value of the surrounding land

No clear plan as to how the build can be done on the steep site

No binding agreement to ensure that funds are available to remove the turbines and the end of their useful life

No binding agreement regarding water supply

Conclusion

The Coppabella Range should be a National Park not a windfarm site. The range is environmentally significant, visually beautiful and a potential world class eco-tourist destination it should be part of the National Estate.

I encourage the Independent Planning Commission to determine that the Yass Valley Wind Farm MOD1 be not approved.

Yours sincerely,



Elesa Bennett























