Caleb Ball

From: Richard Edmonds [redacted]
Sent: Monday, 26 September 2016 11:08 PM
To: DPE PS Wind Energy Mailbox
Cc: [redacted]
Subject: submission re Wind farms planning framework

Dear Sirs,

I welcome the new draft framework, but have some concerns about the Visual Impact section because:

- it is not in line with other Australian States
- it gives no voice to residents who consider wind farms to have a positive visual impact

regards, Richard Edmonds

Sara Brown
[redacted]
Yass NSW 2582
Thursday, 6 October 2016

To NSW Department of Planning.

I am making my submission regarding the New Wind Energy Planning Framework

Firstly, I would like to like to state for the record that the Department should have had ratified policy and guidelines in place before any Wind Energy projects **were ever** approved and constructed in NSW.

The Gullen Range Windfarm fiasco could have been avoided and the detrimental effect it had upon that community **should** have been avoided, had the process been in place.

This framework should also be a mandatory requirement, not simply unenforceable guidelines. This offers no confidence to either proponents or communities when vague language and "best practice" are put forward as suggestion only.

Whilst there cannot be a one size fits all approach, there are certainly aspects by which a project becomes unfeasible and/or untenable long before the proponents gets to have two, three and more swipes at getting the "paperwork right" for rubber stamping.

The fact that five years after the initial Draft Guidelines were released and put to the public for comment and yet are still only in draft and again being put out for comment, is certainly something the Department should not be proud of. The Department should be extremely disappointed that it has compromised many of its rural residents; created extreme stress by these matters playing out over years and by past actions, has done complete back flips on decisions handed down by the PAC. Put simply, is it any wonder that non associated landowners have no confidence in the Department's ability to make sound decisions.

NB These points may not necessarily be in order of priority.
Wind Energy: Visual Impact Assessment Bulletin, Draft for Consultation August 2016

Page 2

- *"which **can be** over 150 metres in height"*
  - Non committal language downplays the statement
  - Industrial wind turbines are already over 150 metres in height and growing in size
- *"other forms of development in these rural landscapes **are unlikely to match** the potential height of wind"*
  - Name one form of development in current rural landscape that even remotely is 150 metres in height
  - Non committal language downplays the statement
  - Call a spade a spade, and stop trying to dodge the elephant in the room.

Page 3

- *2. Assessment and determination*
    - Basically this is a desktop analysis, undertaken by professionals who typically have not actually visited the landscape they are assessing.

Taken from the "Visual representation of wind farms - version 2.1 - December 2014"
http://www.snh.org.uk/pdfs/publications/heritagemanagement/Visual%20representation%20of%20wind%20farms%20-%20version%202.1%20-%20December%202014.pdf

Zone of Theoretical Visibility (ZTV)	
USES OF ZTVs	LIMITATIONS
A ZTV gives a good indication of the broad areas from where wind turbines might be seen and can help identify the LVIA study area	A ZTV is only as accurate as the data on which it is based and the algorithm used in its calculation
The ZTV can be used to help identify viewpoints from where turbines may be visible, enabling an assessment of these with the aid of visualisations	A ZTV alone **cannot indicate the potential visual impacts** of a development, **nor show the likely significance of impacts**. It shows theoretical visibility only
A ZTV is a useful tool for comparing the relative theoretical visibility patterns of different wind farms or different wind turbine layouts and heights	It is not easy to test the accuracy of a ZTV in the field, although some verification will occur during the assessment from viewpoints

52 The table below recommends the initial ZTV distance for defining the study area based on turbine height. Greater distances may need to be considered for the larger turbines used offshore.

Height of turbines including rotors (m)	Recommended initial ZTV distance from nearest turbine or outer circle of wind farm (km)
101-130	35
131-150	40
150+	45

53 If a wind farm is very small and concentrated in layout, typically 5 wind turbines or fewer, it may be reasonable to measure the extent of the ZTV from the centre of the site. However this should always be agreed with the determining authority and consultees.

54 The purpose of the ZTV is to illustrate theoretical visibility (within reasonable limits), not significant effects. **Wind turbines can be visible at considerably greater distances than 30km** and, regardless of likely significance, potential visibility should be illustrated on the ZTV to an agreed radius. The reasons for establishing the eventual radius of a wind farm ZTV for use in an ES should be clearly documented.

The 2011 Guidelines required VI assessments to apply a Zone of Visual Influence of no less than 10 km. That was at a time when turbines were typically less than 150 metres. The latest turbines approved in NSW are 200 metres and higher will be coming. So the ZVI should be increased to no less than 15 km. However, this draft guideline replaces the Zone of Visual Influence with a Visual Influence Zone of effectively 4 km for most rural areas.

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- *"Consultation at this early stage can be achieved through a survey (online survey or mail) of a **representative sample**"*
    - Meaning what?
    - How many?
    - Who selects? Can be a perceived bias if selected by proponants
    - Epuron could not even accurately identify residents within a 5 km radius of the proposed Rye Park Wind Farm, so I would have no confidence in them "selecting a representative sample".
    - If they can't accurately identify residents living in the proximity of the proposal, how can they correspond with them?
    - Councils should have public displays of any proposed wind energy proposal within their shire so potential buyers can make a fully informed decision before buying property instead of finding out after the fact. Real estate agents should be advising potential buyers and documenting whether finding out there is a proposal in the area affects their decision to buy in the region or not. This type of data collection would be very valuable in determining if wind energy proposals do have an effect on property values.
    - Community has to justify the value of the scenic view. How about the proponent has to justify why the landowner lives on their property **if not** for the scenic view and rural lifestyle that goes with it. People living in rural communities should not have their landscape "industrialised "when the zoning is clearly rural/rural residential.

Page 4

- *"early indication of where placement of turbines requires careful **consideration**."*
    - Non committal language downplays the statement
    - They considered and don't care since they continue proceedings regardless

- *"Further assessment and justification for placement of turbines located in these sensitive areas in the EIS will be required"*

Rye Park Wind Farm states the following as project benefits

Primary drivers for developing renewable energy projects in NSW such as the Rye Park Wind Farm are:

- meeting a growing demand for electricity;
- **the need for reducing greenhouse gas (GHG) emissions through clean energy generation sources; and**
- **contributing toward state and federal renewable energy targets.**

Dot points two and three are typically put forward by proponents as "justification". To date, the Department has basically rubber stamped wind farms on that alone, irrespective of sensitivity of landscape, impact on flora and fauna, including threatened and endangered species, and the morally incomprehensible effect wind energy proposals have upon the community they are being inflicted upon.

Page 4

- Why has the Preliminary Screening Tool Part 1 turbine distance scale been capped at 5000(m) when the Preliminary Screening Tool Part 2 goes out to 8000(m)?
- Why include turbine heights irrelevant to the scale of industrial wind turbines currently being proposed in NSW? The Rye Park wind Farm turbines are 157 (m) in height. Each new proposal is typically going larger with their turbines, not decreasing the size.
- How was the turbine distance height to turbine distance correlation established?
- Preliminary Screening Tool Part 2
    - Why was the six segments of 60 degrees selected?
    - Why do three segments or more have to be the trigger for the proponent having to do a more detailed assessment?
- *"To establish whether the degree to which residences **may be** impacted"*
    - Non committal language downplays the statement
    - To have industrial wind turbines on the scale of 150 (m) plus and usually more than one, plus associated infrastructure like access roads, substations, transmission line constructed within 5 kms of non associated landowners **is a significant change** to the rural landscape setting. They do not blend; they are moving mechanical devices requiring considerable clearing of landscape to be constructed, and the construction time period normally 1-3 years depending on the scale of the proposal will have an impact.

Under the proposed guidelines, if a rural residence is located in an area deemed to have low "scenic value"; developers are supposed to avoid placing turbines closer to residences than indicated by the line OR give a detailed explanation for doing so.

So this is the closest the guidelines will come to imposing any constraints under certain conditions yet this will ultimately exclude most residents rather than protect them. The most restrictive requirement is to "Avoid turbines OR provide detailed justification of turbines below the green line". Notice that important "OR".

If turbines are to be placed outside the line, then no justification is required irrespective of turbine height.

Because of the landscape categorisation proposed in the guidelines, most rural residences will be deemed to be in areas of low "scenic quality". To be deemed to be an area of moderate "scenic quality" unless you are living in the Blue Mountains, the Snowy Mountains or on Sydney Harbour, you simply won't qualify.

Outside the "avoid or explain" boundaries given by the graph, the only protection specified for residents is one of two options:

- Apply impact mitigation and/or provide detailed justification of turbines
- Consider screening

Appendix 3 of the guidelines offers 4 mitigation possibilities: resite turbines; resize turbines; recolour turbines; or vegetation screening.

So where mitigation is required, the developer has the option of relocating or removing its turbines, making them smaller, painting them a particular colour (discussed in detail in Appendix 3 of the draft guidelines) or offering screening. So the developer can potentially paint them the right colour and everything is OK!

Alternatively they can provide a "detailed justification for your turbine placement" (which no doubt can be any consultant who provides such reports for wind proponents so will naturally write a favourable report as that's who's paying them). Further, if the combination of the graph and VIZ classification doesn't even require "mitigation", then all they have to do is consider screening. They don't even have to provide it, just show they have considered it.

In that case, the developer is supposed to avoid (or explain) putting a 50 metre turbine closer than 1 km, a 75 metre turbine closer than 1.5 km, or a 100 metre turbine closer than 2 km. But for turbines taller than 100 metres, the boundary remains at 2 km.

What about number of turbines, layout and all the other factors?

Table 8 of the draft guideline introduces a number of other factors to be "considered", in particular Landscape Scenic Integrity, Key Feature Disruption, and Multiple Wind Turbine Effects. Assessment of the first two is subject to the VIZ rating assigned a property or viewpoint.

If the "scenic quality" is claimed to be low, and the turbines are more than 4 km from you, then you are totally ignored so far as Landscape Scenic Integrity and Key Feature Disruption are concerned. There could be dozens of 250 metre turbines in a panoramic view just over 4 km from you and the guidelines says that's fine because you are rated VIZ3 in that situation and for VIZ3 "No Visual Performance objective applies" for Landscape Scenic Integrity and Key Feature Disruption

If the "scenic quality" is claimed to be moderate, then you are rated VIZ2 for turbines between 2 and 12 km away. In that case the Landscape Scenic Integrity "objective" is

- Wind turbines should not cause significant modification of the visual catchment and avoid isolated impacts.
- Turbines may be visually apparent and could become a major element in the landscape but should not dominate the existing visual catchment.

So far as Multiple Wind Turbine Effects is concerned, the "objective" is based on the Sensitivity of the viewpoint according to the draft guidelines. For rural and rural residential that is Level 2 and the requirement is that turbines from the proposed and other wind farms not exceed "horizontal views in three or more 60º sectors". Aside from the fact that the wording is actually ambiguous, under the proposed guidelines it is certainly acceptable to have turbines at multiple locations around a property, and without any concern for the size, number and closeness of turbines not in the proposed wind farm.

Aside from the Visual Magnitude graph, all the other major criteria are entirely subjective and open to many interpretations. So the practice will inevitably be to concentrate on the one criterion that seems "objective", i.e. Visual Magnitude, since at least turbine height and distance can be specified with reasonable precision – especially since using that criterion gives a favourable outcome for developers.

That means concentrating on a fraudulent application of the graph whose effect is to suggest (not mandate) very small setbacks which, given the VIZ conditions, are unrelated to turbine height (let alone blade length, number of turbines, etc) and for anything beyond those setbacks suggest painting the turbines a particular colour and some screening. That is the sole protection proposed for residences not in villages and urban areas.

- *"While the preliminary screening tools have been designed primarily as a desk top tool, **it is desirable** to have good field knowledge of the locality and the various sensitive locations involved,"*

- Non committal language downplays the importance of getting the nuances of the particular setting captured in the assessment.
- A person residing in an office in a city centre making decisions about the ongoing impact to a rural community does not give any confidence they have the necessary knowledge to make such assessments. The fact a wind energy proposal is declared State Significant Development (SSD) should mandate that the people doing the assessment can validate their suitability to making an assessment of an area. If they don't have good field knowledge of the locality and the various sensitive locations involved, I would question their authority to make that call. Having experienced firsthand a person from the Department of Water declare my creek a river because he had never been to the region and was entirely reliant on accessing any information via his computer, leaves me with no confidence. As they say the tool does not make the man. The best computer system is only as strong as its weakest end user.

Page 8

- *"Google Earth and the most recent vegetation mapping, particularly vegetation information that **gives an idea** of the structure and height of vegetative cover."*
  - Computers cannot replace reality – too much emphases is placed by proponents on using only what they can access via their computer instead of actually venturing out into the real landscape and making detail observations and assessments.

- Zoning of Wind Farm hosts properties – the council should be reclassifying the property and collecting rates directly as they would be increased accordingly, unlike the current Community fund which does not even include CPI. In 20-25 years from the date the wind farm is constructed, the amount identified per turbine ($2500 for Rye Park Wind Farm) pale into insignificance in being able to actively contribute back to the shire.

- Wind Monitoring Towers-"Why are they exempt" from DAs?

- NSW DoP meeting held in Yass night of 29th August 2016
  - Decommissioning
    - Make it very clear the responsibilities of the host and what is the expectation is if the proponent (for whatever reason) is not around at the end of the useful life of the turbines to undertake the decommissioning process.

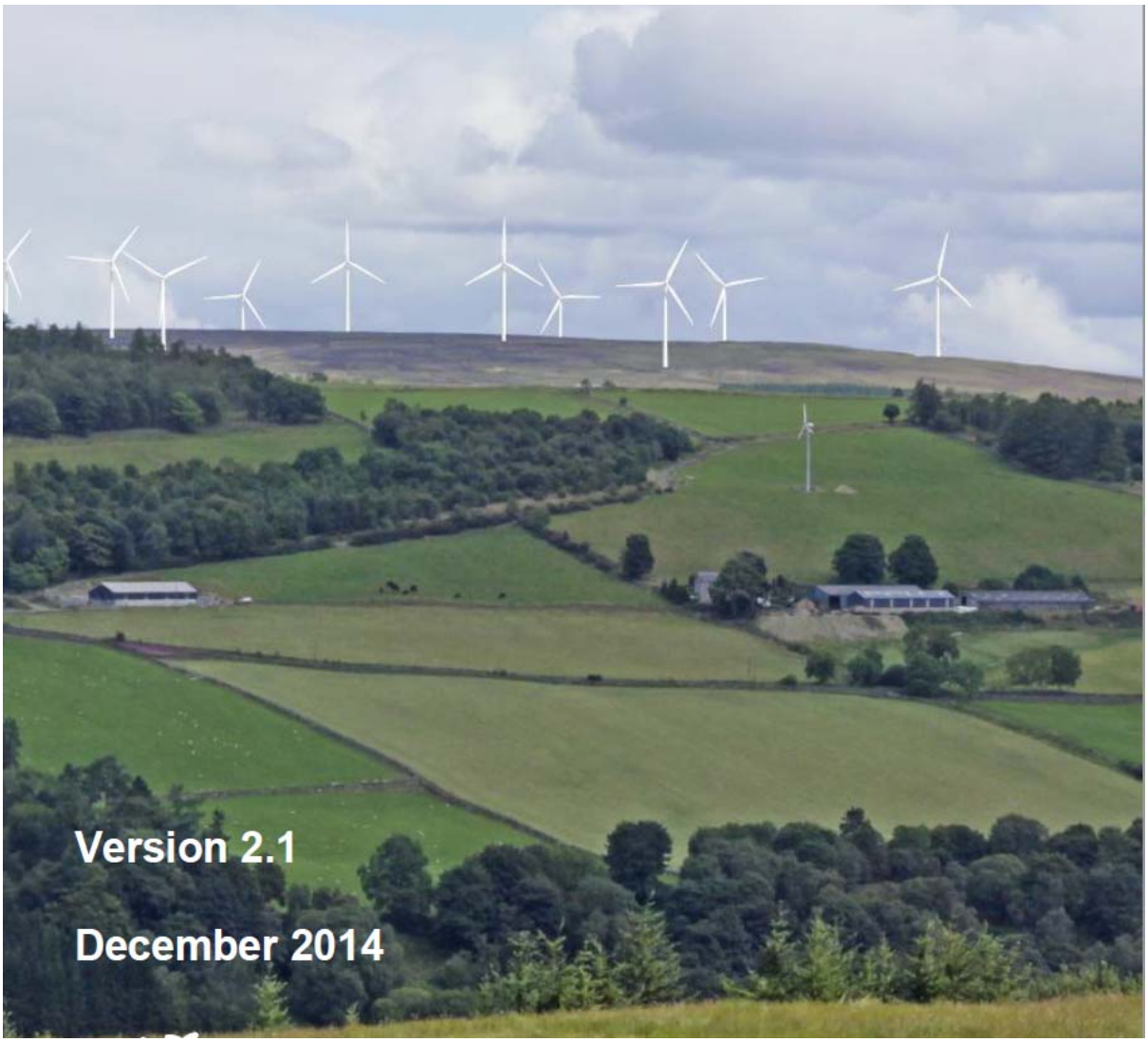
Endorsing a comment made by another person

- *Mandatory personal communication from both the NSW DoP aswell as the particular Wind Farm Proponent and subsequent Developer that should a Wind Farm be approved, that all involved parties be at least responsible to a one on one communication both well in advance of any construction being granted and then right through the construction phase and operating phase with neighbours out to a range of the **very least 5 kilometres** from the Wind Farm.*

  Until very recent years this communication with any neighbours from either the DoP or any Proponents for local Wind Farms has not occurred, it has been "cloak and dagger"/"smoke and mirrors" behaviour from both parties.

- Community Consultation Committees – Rye Park Wind Farm CCCs - my comments as a member. The Proponent was not capturing Minutes and distributing them in a timely fashion and they did not respond to questions they were supposed to answer at the next CCC meeting.

  Here is a photo which gives a true depiction of the industrial wind turbines in a rural setting. This is not typical of the photomontages provided by proponents to Communities.



If the Department is serious about ensuring proposals for industrial wind turbine farms are of the highest standard, they need to do more than put out guidelines.

NSW government takes legal action to move wind power turbines near Crookwell

October 12, 2014 - 11:45PM

*The relocations brought the turbines within two kilometres of about 49 non-associated residences - **in breach of 2011 guidelines** that proposed a minimum two-kilometre buffer.*

In refusing to retrospectively modify the existing approval, the commission said the application had been "inconsistent with the intent and spirit of the Draft NSW Planning Guidelines: Wind Farms".

Where is the post implementation review of any industrial wind farm in Australia that actually identifies if the benefits were achieved?

Why aren't the "lessons learnt" being captured and put into the public domain to ensure we never have a repeat of the fiasco that is Gullen Range Wind Farm?

When is the Department going to give transparency to rural communities as to:

- how many non associated residents were bought out by proponents?
- how many non associated residents were bought out by their neighbours? They originally had no intention of wanting to sell their property but by having they wind farm forced upon them feel they have no other option.
- How many have signed gag orders? Had to compromise their principles as they don't want to leave their homes but rightly so understand they should be compensated for the impost the wind farm has put upon them.
- How many are trapped, unable to sell their properties?

In releasing the draft VI guidelines, Minister Stokes said "Importantly, there will be no arbitrary buffer zones based on the height of turbines."1[i]

The one thing about wind turbines that is not arbitrary is that visibility increases with size and decreases with distance. This is not opinion; it is the simple working of the laws of physics (optics). Yet the Minister claims there won't be "arbitrary" buffer zones based on the one non-arbitrary piece of visual data available for wind turbines. But his guidelines then use a height and distance graph to arbitrarily set the point at which the developer does not have to explain their decision to site a turbine.

Under the proposed guidelines, a developer is not supposed to build a 50 metre turbine 1000 metres from you if you are deemed to have a view with low "scenic quality", but they are OK to build a 200 metre turbine, even a 250 metre one, 1001 metres from you. And Mr Stokes wants to claim this is not arbitrary.

My final comment is to say that once a Proponant does receive approval for a development, then a timeframe must be imposed to either construct the wind farm of forfeit the approval.

It is not a fair process to concerned citizens, to be left in limbo as to whether they stay or go.

[i] 1 *New wind energy framework to give certainty*, Minister Stokes, Media Release, 1 August 2016.

Contact Name: Mr M Pringle
Contact No: (02) 65401139
Our Reference: OUT-9733/16

16 September 2016

Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Ms Felicity Greenway, Director, Industry and Infrastructure Policy

Dear Sir/Madam,

Submission in Response to the Draft Wind Energy Planning Framework Documents

Upper Hunter Shire Council ('Council') welcomes this opportunity to comment on the new draft Wind Energy Planning Framework, as it is a potential host council for the large Liverpool Range Wind Farm (330 turbines) proposed by Epuron Pty Ltd.

Council would share the hosting role with neighbouring Warrumbungle Shire Council.

Council has considered the following documents:

- Wind Energy: Assessment Policy, Draft for Consultation August 2016
- Wind Energy: Noise Assessment Bulletin, Draft for Consultation August 2016
- Wind Energy: Visual Impact Assessment Bulletin, Draft for Consultation August 2016
- Wind Energy Framework: Standard Secretary's Environmental Assessment Requirements, Draft for Consultation August 2016

Whilst addressing the draft Framework documents Council would also like to offer some comments regarding the Final Draft Community Consultative Committee Guidelines for State Significant Projects issued in February 2016.

1. Community and Stakeholder Consultation

Council welcomes the attention the Department of Planning and Environment (DPE) has given to making the wind energy impact assessment process for this potentially contentious type of development more comprehensive, robust, open and transparent. The DPE is also to be commended for requiring proponents to engage with stakeholders earlier and in a more respectful and collaborative manner.

Hence Council strongly supports:

a) the requirement that proponents must undertake a comprehensive, genuine and transparent community consultation process during the project assessment, including at the siting and pre-lodgement stage;
b) that proponents should seek to address landowner issues even before SEARs are requested. This should include agreements in relation to land access and occupation and appropriate responses to the concerns and impacts on other potentially affected landowners;
c) that proponents should engage with Council earlier and more meaningfully in the process; and
d) the draft CCC Guidelines be referenced in the standard SEARs for wind energy development.

2. Benefit Sharing via a Voluntary Planning Agreement

Council supports the objective of encouraging *benefit sharing* between wind energy operators and the communities in which they operate. It believes the most appropriate manner in which a proponent can provide a public benefit as a consequence of a monetary contribution is via a Voluntary Planning Agreement with the host council/s.

Council agrees with the statement on page 13, Wind Energy Assessment Policy that ***'the preferred means of administering community enhancement funds is under a Voluntary Planning Agreement (VPA) with the relevant local council/s, and proponents for SSD wind energy projects could consider similar initiatives in the context of their projects.'***

VPA funds can then be used to provide a public purpose (as defined in section 93F(2) of the EP&A Act) including:

- provision of, including recoupment of, the cost of public amenities or public services;
- transport or other infrastructure relating to land;
- funding of recurrent expenditure relating to the provision of public amenities or public services, affordable housing or transport or other infrastructure;
- monitoring of the planning impacts of development, and
- conservation or enhancement of the natural environment.

Funds provided by a proponent to a Council under a VPA would typically be allocated across three categories, namely:

- community enhancement: for instance sport, recreation, arts, entertainment and cultural facilities, environmental protection, streetscape works, community health, education and child care and affordable housing for seniors;
- road repairs and maintenance (relevant roads); and
- providing adaptive capacity to Council to allow for resourcing of planning and governance needs arising from the project.

Reasons why a proponent should negotiate a VPA with Council are outlined below:

a) as the sphere of government directly responsible for day to day governance of the LGA it is best placed to understand the direct and indirect costs and benefits of the wind farm on a community, including impacts on the social fabric;

b) the Local Government Act requires Council to be responsible for community leadership and in providing equitable services and facilities across the whole community. The Act also requires Council to assist in project planning and assessment;

c) Council has the management skills to address accountability and financial and other probity requirements;

d) Council has the capacity to establish an appropriate committee to make recommendations to it regarding the allocation of funds provided by the proponent. This approach optimises accountability and transparency of financial management and recognises the broad, community wide influence of project; and

e) Council is best placed to understand the local government infrastructure and services needs generated as a consequence of the project that may require funding.

3. The Role of a Community Consultative Committee

Council concurs with the DPE advice in the Community Consultative Committee (CCC) Guidelines that a CCC *'is not a decision-making body and performs an advisory role only'.* It is our view that a CCC should not manage financial contributions provided for the benefit of the general public.

We agree with the DPE that a CCC's primarily purpose is to provide a forum for discussion between representatives of the proponent, the community, the local council and other key stakeholders on issues relating to a project and to keep the community informed on these matters.

4. Traffic and Transport

Council wishes to see a robust requirement stipulating that a proponent must:

a) undertake a Road Condition and Traffic Impact Study in accordance with Council's Scope of Work;
b) upgrade roads, bridges, grids, intersections and other related road infrastructure that will be impacted by the project and which requires modification in the reasonable opinion of Council, in accordance with plans approved by Council, prior to any project construction work commencing; and
c) if, during the life of the project, Council provides evidence of significant increases in traffic volumes or vehicle types on other roads in the locality not addressed in the abovementioned Road Condition and Traffic Impact Study that can be directly attributable to the project, the proponent agrees to reach a negotiated settlement with Council to provide additional funds for road repair, maintenance or upgrade works.

5. Noise Impacts

Council supports the initiatives of the DPE to:

a) issue a Noise Assessment Bulletin which sets the noise limits and methodology for assessing noise levels. We note the Bulletin includes a noise limit of 35dB(A) or the prevailing background noise plus 5dB(A), whichever is the greater for each wind speed of operation;
b) adopt the South Australian EPA's 2009 Noise Guidelines, subject to the variations that include more strict base noise criteria and guidance on special noise characteristics such as tonality (audible tonal sounds from turbines generally related to the rotational machinery) and low frequency noise such as infrasound;
c) require the proponent at the pre-lodgement stage, to undertake an indicative noise impact assessment of noise levels expected at relevant receivers and that the indicative noise assessment will form part of the PEA to be submitted when making a request for SEARs;
d) validate the noise predictions and adequacy of safeguards after the turbines become operational; and
e) require the proponent to identify noise mitigation and management measures if noise compliance monitoring indicates that noise from turbines exceeds the approved noise limits

We also note that the assessment framework does not include arbitrary buffers. In the absence of buffers the DPE and the EPA will need to adopt higher levels of scrutiny of proponents to ensure absolutely that residents are not going to be adversely impacted. The burden of proof must remain with the proponent to demonstrate unequivocally that noise and visual impacts are most reasonable or have been adequately compensated. The landholder should also have equal right of reply, funded by the proponent.

6. Visual Impacts

Council supports the initiatives of the DPE to:

a) issue a Visual Impact Assessment Bulletin which is designed to bring greater transparency, consistency and objectivity in visual impact assessments;

b) require at the request for SEARs stage a PEA consisting of substantive and meaningful community consultation and specialist documentation regarding key landscape values and application of preliminary screening tools where residences may be impacted; and

c) require in the EIS more scientific and rigorous visual assessment, including analysis of the landscape character, scenic quality and visibility from viewpoints of different sensitivity levels, a map of the project area classified into three zones of visual influence, assessment of the proposed layout against visual performance objectives and justification for the final proposed layout and identification of mitigation and management measures.

7. Landholders Negotiating with Wind Energy Companies

For many landholders, negotiating with a wind energy company is an unfamiliar assignment. Thus landholders are likely to come from a position of disadvantage compared to a proponent.

Landholders commonly find that major project proposals such as a wind farm cause disruption and distress in their personal lives and uncertainty regarding the planning of their agribusiness (for instance, should they commit to capital improvements or the next phase of the farm plan or will this be a waste of money?).

The DPE is encouraged to be very mindful that impacts on a landholder from a major industrial project are not of their making; essentially it is a situation foisted upon them. Often it is not a negotiation where they are willing participants with an eye to mutual benefits being achieved from the outcome.
It is therefore recommended a detailed guidance note (tips, dos and don'ts) be developed by DPE to assist landholders when they have to negotiate with a wind farm proponent (or even a miner).

Council also recommends that the DPE be more explicit in stipulating the requirements of the wind farm proponent to ensure that a landholders rights are protected.

For instance, the DPE should require that the proponent:

a) must advise when a landholder has confirmed that they have been properly informed, have a good understanding of the scale and nature of the predicted impacts through the provision of relevant noise and visual impact predictions and of the likely health risks;
b) bears all reasonable costs, including the landowner's costs for independent noise and visual impact advice and land valuation, to enable the landholder to be able to make informed choices about the likely impacts on their quality of life and to help decide on their future, especially if additional mitigation measures (eg acoustic treatment of houses) need to be implemented, or 'voluntary acquisition' is necessary because of unacceptable visual or noise impacts; and

c) be able to demonstrate that the landholder is not worse off because of the wind farm. Appropriate financial compensation may be needed to offset the impacts.

8. Workforce Housing Strategy

We note that many windfarm proposals are located in relatively isolated areas away from population centres and, depending on their scale, have the potential to generate hundreds of jobs during the construction phase as well as numerous operational and maintenance jobs during the life of the wind farm.

Council would like to see the Standard Secretary's Environmental Assessment Requirements include a requirement for the preparation of a workforce housing strategy for large windfarm proposals. The housing of workers should be an important consideration given the limited accommodation options in most rural areas.

9. Enforcement

Council welcomes the commitment by the DPE to undertake periodic audits of wind farms and enforce conditions of consent. This step in the planning, approval and operation of major projects has been inadequate for many years and will help rebuild community trust and confidence in the assessment and determination process.

We thank you for the opportunity to provide feedback on these important matters.

If you have any queries regarding the above please don't hesitate to contact Council's Director Environmental & Customer Services on (02) 6540 1139.

Yours faithfully

Waid Crockett
GENERAL MANAGER

Caleb Ball

From: [redacted]
Sent: Wednesday, 14 September 2016 3:08 PM
To: DPE PS Wind Energy Mailbox
Subject: Rules for wind farms

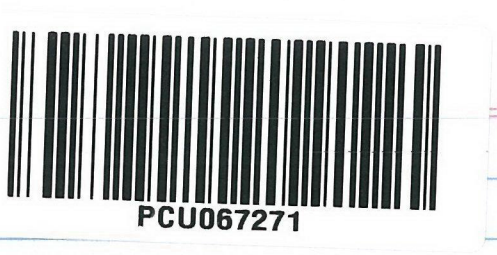
Dear Sir/Madam,

Thank you for the opportunity to comment on the New Wind Energy Planning Framework.

It is abundantly clear that we must transition into renewable energy sources as rapidly as possible. Wind farms are a vital source of renewable energy. Arguments against wind farms along the lines of visual unacceptability and noise factors are not credible when compared to the alternative power source of coal and the effect of coal mines on human aesthetics and health. Quite apart from the indisputable danger of the CO2 that coal producers.

I urge you to ensure that NSW proceeds with the construction of wind farms as a necessary power source for our community into the future.

Yours, Rosie White 2925



[redacted]

20th Sept-, 2016

The Director
Industry and Infrastructure Policy
Dept of Planning and Environment

Dear Sir/Madam,

I wish to ask for an extension of time to lodge a submission on the Wind Energy Framework document released by the D.o.P.E. in August.

My reasons for a belated submission are:

1. I was fully engaged in seeking re-election to our mind farm targetted shire up to 10.9.2016.
2. We had an unexpected death in the family requiring travel away.
3. One daughter is undergoing post-operative breast cancer treatment and needs mum and dead.
4. My wife, who is disabled, had two worrying seizures and time in hospital

I hope to complete a submission on the documen within the next week or so, and would appreciate time to make some important criticisms of what I see as an over-pro-developer bias in the Framewor Surely the department is seeking knowledgeable comments, even though they may be critical

Yours faithfully
M Barlow
(M. BARLOW)

[redacted]

[redacted]

Crookwell, 2583.

23rd Sept, 2016.

SUBMISSION ON THE NEW "WIND ENERGY FRAMEWORK"

1. INTRODUCTION

1.1: From the point of view of those individuals, communities, and local Councils that have been impacted by wind farms, the newly released "Wind Energy Framework" is completely unsatisfactory as a way forward because:

a. it is blatantly pro-developer,

b, it removes protective controls that already are inadequate, and

c. it imposes no new and much-needed consent conditions on an already rampant industry (eg., Gullen Range).

1.2: I have been opposing the unfettered spread of industrial wind energy projects across our tablelands for more than 12 years. I have addressed numerous wind farm P.A.C.'s, and I have lodged numerous well-researched submissions to the Department, all to little or no avail because they are generally ignored and the projects proceed unabated.

The comments I offer below are based on extensive research into the industry, actual experience of its operation, contact with scores of victims, and knowledge of the Department's previous incompetence in handling this industry.

2. SOME MINOR CRITICISMS

I propose to focus on only two major matters, but will precede this with a number of relatively minor criticisms.

2.1: Community Consultation. On p.2 of the Overview, the developer is required *"... to engage the community early in the project..."*. What does the word "engage" mean? Does it mean merely listening to objections and then virtually ignoring them, or does it mean actually addressing the concerns and modifying (or even withdrawing) the project? So far, the experience has been that because a project has been deemed State Significant by the Department then this designation over-rides the wishes of the about to be impacted rural community.

2.2: Decommissioning of Turbines. On p.3 of the Overview it is stated that the government's policy is *"... that a wind energy project owner or operator, and not the 'host' landholder, should be responsible for decommissioning and rehabilitation..."*, but then the document provides no enforcement requirements on the developer to comply with this policy. There is no mention of any upfront bond or ongoing annual contribution to ensure funds are available to cover the huge cost of dismantling these huge structures. All parties, of course, conveniently ignore mention of the massive steel and concrete bases of the towers so these areas of land will never be "rehabilitated".

2.3: Community Consultation Committees. On p.2 of the Overview it is stated *"A Community Consultative Committee will need to be established for all proposals..."*. Then, on p.12 of the Assessment Policy of the Framework reference is made to the draft C.C.C. Guidelines produced earlier this year. I would make the point that it is meaningless to cite conditions in a yet to be finalised policy as conditions that this Framework says are to be adhered to.

Incidentally, I lodged a 5-page submission on the C.C.C. draft Guidelines suggesting three significant modifications, and twice have asked for some feedback on my submission. Both requests have been unanswered!

2.4: Impacts on the Community. The Framework does admit that wind farms do have an impact on the local community. Thus, on p.1 of the Overview it states *"...whilst ensuring that the impacts on the community are properly assessed."* But why merely assessed? Why not "avoided" or "removed"? Again, on p.6 the proponent must consult *"... with highly affected landowners."*

"Consult" and then do what? And on p.4 it is admitted that *"... there are unique aspects of wind energy noise that people find particularly annoying."*

Elsewhere, the Framework runs away from the **Health** and the **Land Value** impacts of wind farms by selectively ignoring a growing wealth of quality research in both these fields and by largely relying on the highly criticised N.H.& M.R.C Report and the narrow 2009 NSW Value-General's study. I have no doubt other submissions will address these two major areas of concern, and I have addressed them in detail in several of my P.A.C. papers and would refer the reader to those papers (eg., Collector, Flyer's Creek, Crookwell II) and not address them here.

3 MY MAJOR CRITICISMS OF THE FRAMEWORK

Due to time and space constraints, I will address two main concerns.

3.1: No Buffer Zones. Minister Stokes in his Press Release crows that *"...there will be no arbitrary buffer zones... "*. This is a complete cave-in to the wind energy industry, as well as a removal of one of the few but necessary protections for rural folk destined to become near-neighbours of these giant and noisy industrial machines – which, of course, are exempt from the state's Industrial Noise Policy .

The use of the adjective "arbitrary" by the Minister is both inaccurate and offensive, and is a pathetic attempt by him to try to suggest that these protective set-backs are baseless or just plucked out of the air. In fact, most buffer zones are based on research and common sense. Thus, Upper Lachlan Shire has 2.0km set-back from non-associated residences, and twice topple-height from public roads and boundary fences. The 2.0km set-back is based on Professor Van den Burg's 2004 findings that disturbing noise emanated as far as 1900m from turbines of that period, and the topple height set-back (they do fall over) is to protect road users and neighbours. Given today's much larger turbines, if anything the 2.0km set-back should be increased, not deleted.

Minister Stokes' support for the removal of buffer zones flies in the face of quality and independent research that increasingly recommends protective set-backs from residences. Dr Bob Thorne's empirical research at Manawatu (N.Z.) recommended 3500m; Dr Daniel Shepherd's research in both N.Z. and

U.S.A. recommended 5000m from turbine clusters; Dr Robyn Phipps of Massey University (N.Z.) also recommended 5000m; Professor Peter Styles of Keele University (U.K.) found sound and vibration effects out to 10 000m; and others such as Professor Alec Salt, Dr Michael Nissenbaum, Dr Amanda Harry and Dr Gilbert Saccorotti all recommended substantial buffer zones as the only protection from turbine sound and vibration pressure waves.

NB. I have included a submission I made to our Council in 2011 regarding our set-backs which quotes heavily from Dr Bob Thorne's work. Perhaps the Minister may care to debate Dr Thorne on the need for protective buffer zones!

3.2 Freedom to Re-site Turbines. This is another massive cave-in to the wind energy industry, no doubt due to the Department's back-down to the Gullen Range developer.

Section 4.3.3 on p.10 of the Assessment Policy section states *" For technical reasons... there may be the need to relocate wind turbines on site during construction... "* and then follows with *"Micro-siting can be allowed for, provided it does not materially increase environmental impacts."* and that this re-siting will be allowed for so long as it is *"... within a development envelope."*

Nowhere is the size this "envelope" defined, nor is there any measure of what constitutes a "material increase" in environmental impacts. Also, why are environmental impacts the only effects of the re-siting that are to be considered, or are greater noise and visual impacts on near-neighbours unimportant? If turbines can be re-located anywhere within an undefined "envelope", how can the noise and visual impacts predicted in the E.I.S. be accepted?

Micro-siting also includes the issue of turbine-to-turbine spacing, but the Framework ignores this matter. Overseas authorities and turbine manufacturers generally require a 4 or 5 rotor diameter spacing according to alignment across or with the prevailing wind. This matter has both an efficiency and safety aspect to it, so why is it ignored? Is it because developers in Australia want to crowd as many turbines as possible into a project site?

4. CONCLUSION

The Framework is a blatantly pro-developer document. The removal of protective buffer zones is a disgrace, and the re-siting latitude smacks of "anything goes". Both of these new policies clearly put benefit to the developer ahead of protection to the impacted community.

The Framework also is full of subjective and indefinite words and phrases such as "appropriate balance", "meaningful community engagement", "properly assessed", "canvassed and considered", "driving better outcomes", and so on. None of these fine sounding phrases are defined or set clear limits, and all are open to a range of interpretations.

Once again, this government has let rural communities down and shown clear preference for big "developers" and an inefficient, subsidy-dependent, and troublesome industry.

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SEE "NOISE IMPACT ASSESSMENT REPORT WAUBRA WIND FARM", July, 2010
By Dr Robert Thorne, Ph.D., M.S., F.R.S.H., etc

BACKGROUND

1. Dr Thorne, a specialist in Health Science heads the Queensland consultancy Noise Measurement Services P/L. He has held numerous prestigious ports including Noise Consultant to the New Zealand Ministry of Health, and Principal Environmental Officer in the Queensland Department of Environment and Heritage.
2. His Rpt was commissioned by the family of Noel Dean, which owns two farms the homes on which lie between 1950 metres and 3500 metres of turbines on Acciona's nearby wind farm (p. 14).
3. The Report covers 158 pages, is peer-reviewed by Dr Daniel Shepherd and Dr Hueb Bakker, and contains supporting evidence by such other researchers on this topic as Dr D. Shepherd and Bruce Rapley M.S. As well as field evidence from Waubra, the Report provides relevant set-back data from field research in New Zealand's Manawatu and Makara wind farm complexes.

THE REPORT'S EVIDENCE-BASED SET-BACK RECOMMENDATIONS:

1. On pages 64-5 Dr Thorne, after discussing some of his N.Z. findings, states:

"Based on my observations within the Manawatu and Makara, I am of the opinion that wind farm sound can be heard and recorded within residences situated within 3500 metres of large turbines set in a wind farm. The risk of adverse effect due to sleep

disturbance and annoyance is quantifiable and the effect is significantly more than minor".

2. Dr Thorne includes excerpts of work in this same field by Dr David Shepherd, which on p. 72 makes the point that clusters of turbines produce a greater noise impact than does a single turbine. Thus:

"If a second turbine is situated within 10 rotor diameters of the first turbine the blades of the second turbine can suddenly enter into a pocket of slower air in the wake caused by the first turbine. Increased sound levels will occur..."

On p. 75 he then goes on to state:

"It is concluded from my observations, interviews and measurements that:

- wind farm noise can be intrusive in the home and is identified as low amplitude modulated sound...
- under adverse wind conditions the sound of wind turbines is clearly audible at distances to approximately 5000 metres... to the extent that the sound can be recorded inside and outside the residences..."
- the sound is not masked by wind or by wind through vegetation or by leaf rustle in trees.

3. Throughout the rest of his evidence-based Report Dr Thorne makes several more references to impact distances.

Thus on p. 109 he refers to:

"Previous wind farm investigations in New Zealand and Waubra indicate that residences within 3500m of a wind farm are potentially affected by audible

And on page 111 he reports:

"Statutory Declarations (June 2010) concerning noise issues have been declared by residents affected by the Waubra wind farm. Noise from the turbines is being experienced by residents within approximately 1000 metres of the nearest turbine and at distances of approximately 3000 to 4000 metres from the nearest turbines"

Again, on p. 113, he includes a Table showing the nature of complaints received and the distances from turbines of the complainants and these range up to 3800 and even 4600 metres

On the same page he quotes complaints from residents near the "West Wind" wind farm (part of the Makara wind farm complex) who live as close as 1200 metres but as distant as 3500 metres from a turbine. The local Wellington City Council in the 12 months to March 2010, received 906 complaints from near neighbours of the Makara wind farm from distances out to 2200 metres

On p. 122 he cites complaints from neighbours of the Te Rere Hau wind farm, and these came from as far away from a turbine as 2500 metres

DR THORNE'S CONCLUSION RE. SET-BACKS

Based on his own specialist expertise and years of field research in New Zealand and Australian wind farms, Dr Thorne uses this empirical evidence to form this opinion:

"In the opinion of the author, backed up by residents' surveys and scientific measurements and analysis of the noise of turbine farms,

these new generating technologies are proving to be a significant detractor for those living within 10 kilometres of them. More research is urgently needed to determine the extent of nuisance effects and what set backs are required... The long-term medical implications are considerab and need to be researched before any further applications for wind farms are consented..."

Clearly, Dr Thorne (an authority of world standing in the field of wind turbine noise and its effects on the health of nearby residents) indicates th wind turbine noise in its various forms poses a health risk to residents out to — and even somewhat beyond — 3000 to 3500 metres at least.

(Councillor) Malcolm Barlow

P.S.

There are 32 residences within 1.5 kms of a Gullen Range wind turbine, 60 within 2.0 kms, and 118 within 3.0 kms.

If similar counts are done for Taralga, Crookwell I-III, Walwa, Cullerin, Rye Park, Collector, and Golspie there could be 2-300 residences within 1.5 kms of a turbine, and who knows how many hundreds within 2.0 or 3.0 kms?

Based on real-life experiences and empirical evidence such as that exposed by Thorne and Shepherd above, there could be serious health impacts from turbines for many hundreds of our residents.