

24th March 2018

Commission Panel
NSW Independent Planning Commission
Level 3, 201 Elizabeth St
Sydney NSW 2000

Re: **Bango Wind Farm (SSD 6686)**
LETTER OF OBJECTION

Dear Commissioners,

We are the landowners of "Letona", a mixed farming enterprise situated 20 km North of the Yass township, we are within 2.5km of the proposed Bango Windfarm, sandwiched between Kangiara and Mt Buffalo clusters, and we are vehemently opposed to such a development within such close proximity to our residence.

Our key issues relate to the failure of the proponent to adequately address the SEARs and the DPE to hold them to account. Our main issues relate to:

- Lack of consultation
- Ownership, control and overall project risk
- The justification for development (fails as a truly 'sustainable' development across financial, social and ecological measures),
- Lack of evaluation of alternate renewable sources such as solar
- Massive impact on our visual amenity (as acknowledged by the Independent O'Hanlon report)
- Constant noise and vibration impact – both audible, infrasound
- Changes to the landscape and land use from rural to industrial due to the proliferation and cumulative impact of windfarms being approved/considered for approval in the district

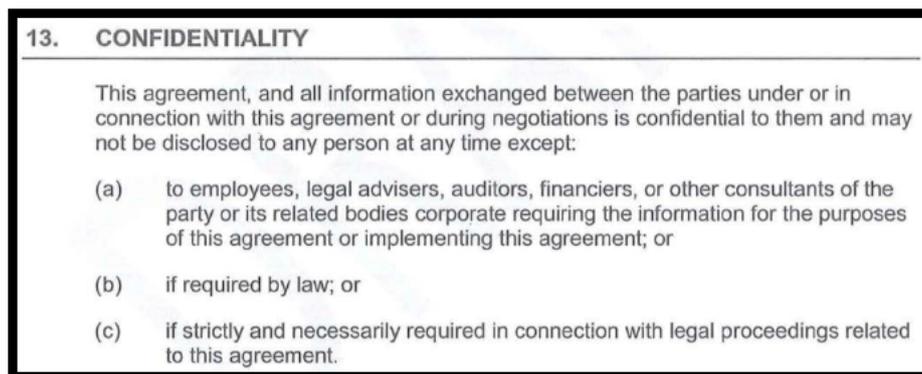
Rural communities, including ours, continually battle the challenges which threaten their livelihoods by matters which are typically outside of their control; climate (bush fires, flooding and drought) supply/demand markets, plagues and the economy. More recently highlighted through significant mental health issues which are widespread in the agricultural sector. Our communities rely heavily on each other to work together in order to 'share the load' when adversity presents itself. Therefore, there should be unanimity on those matters where there is in fact a choice. As the Department, the Government and the developer are well aware of, the proposed development and similar ones have deeply divided the community and neighbours alike.

Whilst renewable energy is definitely one of the solutions to combat climate change it is not acceptable to cause more damage to residents/communities the environment than it is claiming to protect. Australia has vast, un-inhabited space which should be utilised to full effect. Wind farms situated in more densely populated parts of the world, such as Europe, are being scrutinised as people are becoming increasingly aware of the impacts the turbines are having on their lives and the disparate financial contributions required to keep them operating. Wind farms are now more commonly constructed off-shore, and their longer term viability is under review.

For the development to be truly “sustainable”, the fundamental precepts addressing the needs of the majority of people (social), the environment (planet) and financial criteria must be addressed in full – we believe the development falls well short.

LACK OF CONSULTATION

The project location, scale and type were decided at the outset *without* broad community consultation. Instead of the proponent seeking input of all residences in the area at the earliest planning stage, they managed to secure a few hosts (by providing substantial financial incentive to act as hosts) and move the proposal along strategically in silence – evidenced by very strict legal confidentiality obligations (see extract of host agreement below).

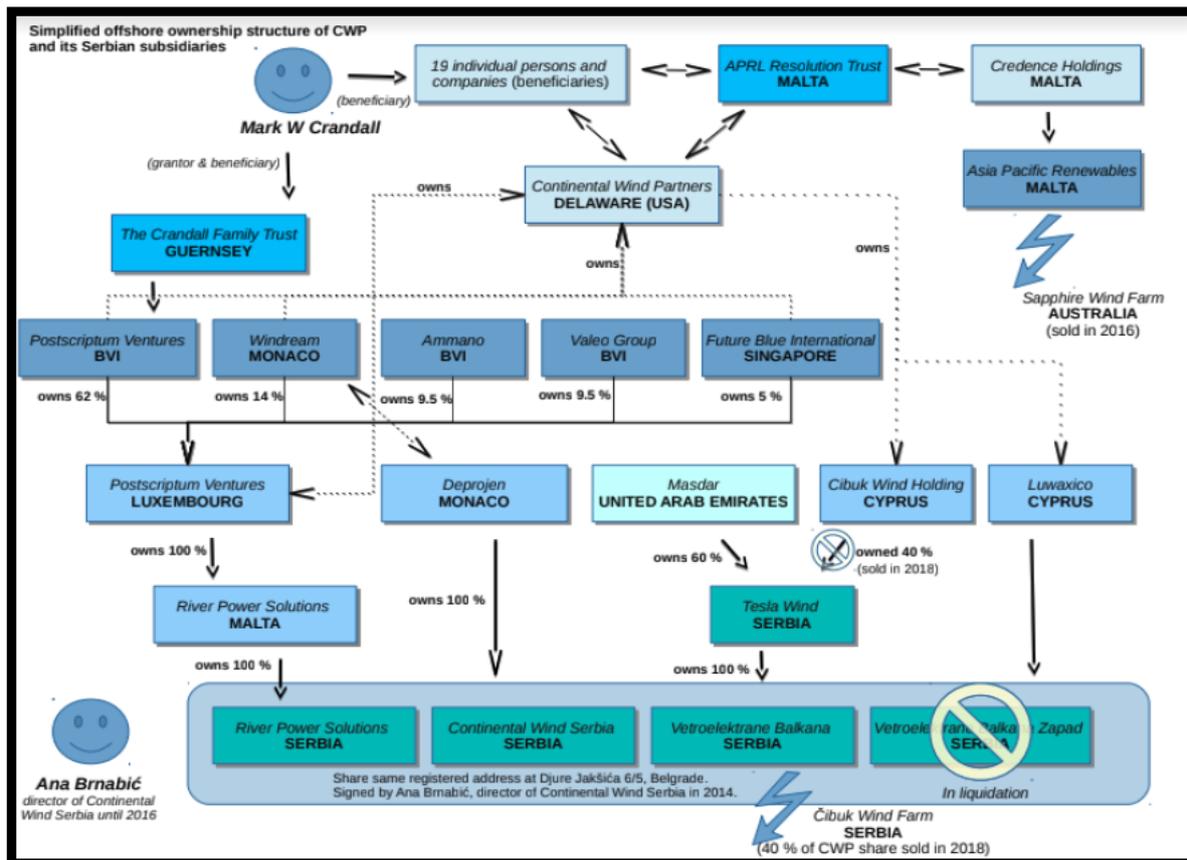


Once we made it clear we were not supportive of the proposal, contact and any form of consultation ceased – despite the Department issuing supplementary SEARs to specifically address this issue in August 2011. The Director General stated the proponent *must* consult with the community in preparation of the EIS and for the proponent to outline *how* they have *ADDRESSED* issues raised – yet nothing was or has been adequately done.

OWNERSHIP, CONTROL AND OVERALL PROJECT RISK

By analysing the ownership structure of CWP since the original application was made in 2011, one has to query the real motivation, methods, justification and more importantly the viability of the project overall. Refer to diagrammatic representation of the ownership structure of CWP below (extract of article “*Who Taxes the Wind? How the Serbian Prime Minister’s former company was part of an offshore network investing in renewable energy in Europe and Australia*” – March 2018)

Whilst the project is being purported to be in the interests of the community, NSW and the nation overall, it appears to be nothing more than an elaborate tax avoidance scheme and potential money laundering venture set to use both private and government subsidies for offshore unscrupulous investors.



According to L Burke Files (international investigative firm specialising in asset recovery, due diligence, anti-money laundering and intellectual property matters) the purpose of such an elaborate trust structure such as the CWP structure above could be to liquidate assets for the beneficiaries and best manage tax liability. He states:

“An irrevocable trust creates a structure to hold and manage assets that is exempt from legal proceeds of either the grantor, grantee or the beneficiaries. Under most circumstances, the assets are out of the reach of any creditors,” he said, and added that the ultimate control of the assets of the trust could be very remote from the actual trust. This is a feature that can be *“used to obscure or confuse both ultimate beneficial ownership and control”*.

Alex Cobham, chief executive of Tax Justice Network, UK based international advocacy group in the area of international tax avoidance and evasion, said in relation to CWP ...

“This is a deeply worrying story of financial secrecy and the dangerous mingling of public and private interests. It confirms the importance of key transparency policies, in order to protect the public from the risks of corruption and tax abuse. It is crucial that we have public registers of the ultimate beneficial ownership of companies and of trusts and foundations. Such a measure, now required in the EU through the revised Anti Money Laundering Directive, is the new international standard.”

“This case makes clear that all public contracts must be in the public domain,” he added. *“There can be no good reason to prevent the public seeing how their own money is being spent by their elected representatives – and that logic extends equally to subsidies and tax incentives. The importance of*

*incentives for the global **switch to renewable energy makes this an industry of particular concern, likely to attract unscrupulous operators with no interest in sustainable development.***

As this project is classified as “state significant”, the Commissioners have a duty to protect the State, the hosts and the Yass Community by ensuring the project does in fact pass more than just the “sniff” test. There must be a well-documented evaluation with full disclosure to the public to demonstrate that the company is bona fide and the project is actually sustainable to meet SEARs.

The Commissioners, if they somehow satisfy themselves of all the issues/objections and approve the project, they should also be satisfied that there is a clear “exit strategy” that is simple, well defined and where control/responsibility is returned to the State, should the existing complex web of ownership and funding come apart.

JUSTIFICATION OF DEVELOPMENT

The SEAR (Environmental Assessment Requirement) outlined for the DA application, General Issue #2, required the proponent to outline their “*Justification of Development – based on ecologically sustainability ...and strategic assessment of need*” – **this remains incomplete.**

Ecological sustainability as defined by the “International Institute of Sustainable Development” with respect to “sustainable electricity/energy” is as follows:

“To be sustainable, electricity systems must recover capital and operating costs, invest for the future, provide reliable electricity and meet environmental and social objectives.”

Evaluating the proposal to the specifics of the EAR’s we comment as follows:

EAR “Strategic assessment of need for...”	Comment
NSW	<p>Proposed development fails to meet Department of Planning Priorities for NSW.</p> <p>The districts of Yass, Rye Park and Boorowa are steeped in pastoral history and world renowned for its fine wool production, and needless to say, it’s stunning rural landscape. Consideration of such a project would represent a failure of the planning instruments to protect the district and would similarly contradict the Department of Planning’s “Priorities for NSW”, which include:</p> <ul style="list-style-type: none"> - “sustainable growth in the right locations” - “Improved ...community confidence” - “Effective management of natural, environmental and cultural resources and values” - “...pleasant neighbourhoods which reflect community needs and aspirations” <p>Support is not sufficient to warrant the development:</p> <p>Section 5 DPE SDD Report, “Consultation”, references that the Department received 101 submissions, including 50 objections, which would seem to indicate that the community was split ~57% object / 43% support. However, the following</p>

statistics can be derived from DPEs website which greatly contradicts this statement;

- 93 individual submissions
- 60 objections
- Out of the 33 supporters;
 - 17 are nowhere near local, ie Southern Highlands, Sydney, ACT
 - 7 are hosts
 - 3 are from the same person/property
 - Weighted result - 7 supporters
- Similarly, if you disregard the objections from non-local people and submissions from the same property – weighted result is 42 objectors
- Actual statistics – **86% of community are against Bango Windfarm**

The support/demand for renewable power appear to be greatest in the governmental “headquarters” of ACT, yet wind farm developments are being predominantly considered for nearby NSW - why? Location should correlate to the social driver of ACT, not be imposed on NSW, where the majority of landowners object.

The SEARs themselves identify that the “...**suitability of the development must be in the public interest**”. If this is the case, then surely the decision should be weighted heavily towards the ‘vote of the people’ and their sentiment. As stated above over 86% of respondents have objected to the development.

Lack of local re-investment / benefits:

The provision of local labour and therefore benefits is negligible. The turbines themselves will be manufactured and pre-assembled overseas and assembled by specialist crews on a “fly-in fly-out” basis (as with mining projects).

There are very few local resources with the requisite skills or competence that could be employed on such high risk works under the Health & Safety Act. Similarly, the large scale plant and equipment to erect such towers (such as large mobile cranes capable of reaching such heights and loads) requires again specialist equipment which must be temporarily imported to the region.

As with most modern turbines the monitoring and operations will be conducted remotely, and maintenance will again be on an as needs basis by “fly-in fly-out” specialist contractors, providing very little benefit to local residents or businesses in the district. The DPE’s Report identifies “**up to 5 persons may be employed**” which is offensive for this to be used as a contributing factor to support the development.

Land values will decrease:

It is evident that land values will drop significantly in the district as a result of the development. This is a massive social and economic impact on the community and district overall. Reduction in land values places even greater stress on the wellbeing and mental health of the community.

Independent land valuations should be completed and a model of compensation be proposed should the development be approved.

	<p>Yass Valley Saturation: As identified in Section 2.1 of the DPE SDD Report, there are eleven (11) other operational (4), approved (6) and proposed (1) wind farms within 60kms of the site. 549 turbines in total. The Department acknowledges the growing concerns of the cumulative audible and visual impact these will have on the broader landscape, but fails to adequately assess the impact for Bango itself or the cumulative effect of those surrounding.</p>
<p>Nationally</p>	<p>Support should be for greater innovation and, if anything, for solar energy where there is significantly less impact on people's amenity and where the energy generation is more predictable and constant.</p> <p>Recent research by Green Energy Markets confirmed in Dec 2017 that the Renewables Energy Target (RET) has already been met by existing and current projects under construction. Those approved and in the pipeline to be built will provide more than 50 per cent of Australia's energy needs, which is significantly higher than the nominated 42% total generation identified by the Finkel Review of Energy, hence current Governments focus on "National Energy <i>Guarantee Policy</i>".</p> <p>The current issues being faced by South Australia is a current, relevant and stark reminder for what decision makers should avoid. The DPE fails to acknowledge what is happening at a macros level and where the real opportunity for investment and state significant developments ought to be – such as the interconnector between SA and NSW to facilitate diversified energy supplies.</p>
<p>Saving in greenhouse gas</p>	<p>Studies have proven that a small increase in electricity prices have had a far more effective impact in reducing the need for electricity, and therefore reducing carbon emissions, than investing in unreliable renewable energy, such as wind turbines.</p> <p>Carbon saving/reduction is not being correctly quantified. The life cycle assessments (LCA's) conducted to ascertain the "pay-back" period alone proves the development fails to meet its stated objective. More carbon is used in the manufacture, transport and construction of the turbines. Consideration needs to be taken into account for the mining of all raw materials, overseas manufacturing of steel towers, reinforcement steel, concrete, road construction, all transport need, ongoing maintenance requirements and dismantling/reinstatement at the end of the project's life.</p>
<p>RET scheme</p>	<p>The generation of LGC's – Large Scale Generation Certificates will likely benefit the owners/investors of the development in the <i>short-term</i> only, where they will be able to trade carbon credits on the open market purely based on what the turbines <i>generate</i>, NOT necessarily what is <i>consumed</i> – ie irrespective if the power is actually used locally or not (ref Clean Energy Regulator "<i>Large-scale generation certificate eligibility formula</i>").</p> <p>As referenced in the Renewable Energy Market Report Feb 2018, the spot price forecast for LGC's shows a reduction from \$84.35 to \$38.50 by 2021 and "<i>...will ultimately fall to zero</i>". This incentive scheme/catalyst for such renewable energy projects is no longer a viable basis for a business case, and accordingly, the long term viability of the development is put into question.</p>

From the table above, it is clear that the imperative drivers are not justified, or at least require significantly more analysis in order for the Commissioners to make a truly informed decision.

LACK OF EVALUATION OF ALTERNATIVE RENEWABLES

The proponent has not described or “*considered alternatives in order to achieve their objectives*” which was required under the original SEARs and is a legislative requirement under the EP&A Regs Schedule 2, 7.1(c) where “*an analysis of any feasible alternatives*” must be completed. An evaluation report considering all forms of alternative renewable energy options should have been included in the EIS.

A requirement of the SEAR’s was for the proponent to consider and prove why wind power was the most appropriate for this area.

If they completed this in any form, they would have identified the differences as captured in the table below – clearly the benefits are strongly towards solar, which is likely why they chose not to complete the evaluation. The proponent has simply ignored this requirement of the Department, and somehow the Department is no longer seeking justification?

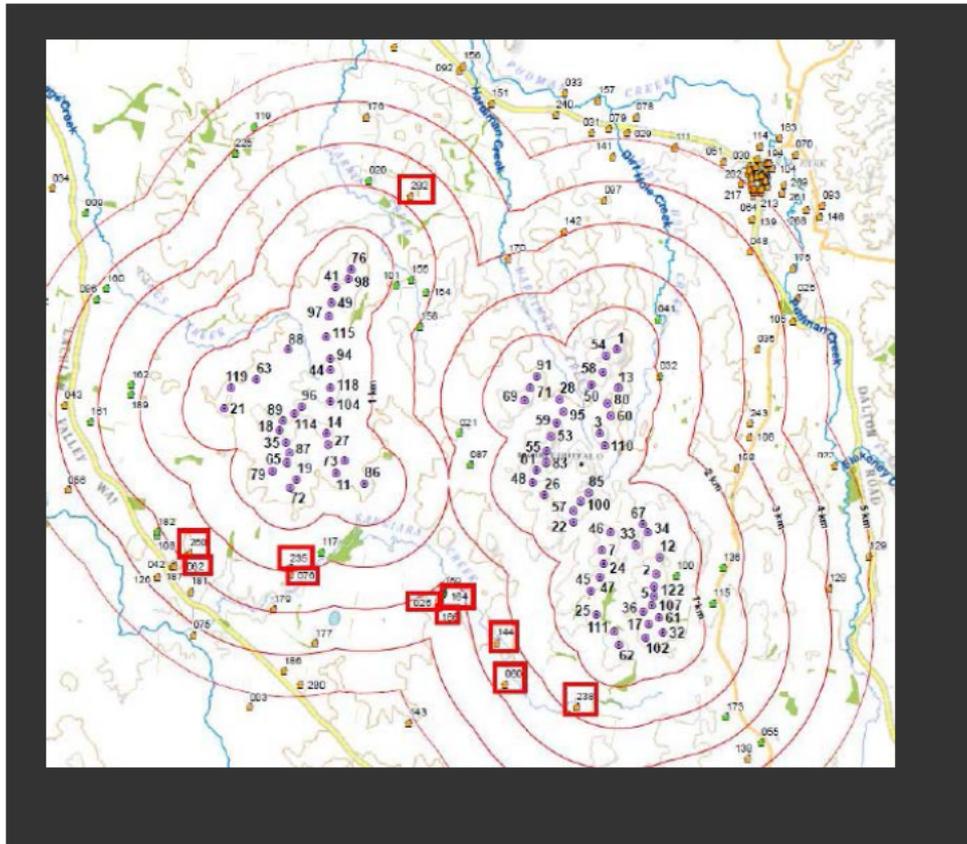
The Commissioners have a duty to properly and thoroughly compare renewable energy generation models, if indeed the Commissioners can justify additional renewable power requirement in the first place.

SOLAR	WIND
Reliable and predictable energy source	Less reliable and un-predictable energy source
Greater community support	Greater community objection
Capitalises & supports Australian technology and innovation	Relies on international technology
No noise or infrasound	Noise & infrasound impact
No vibration	Vibration impact
No known health impacts	Known health impacts
Very low visual impact	Extreme visual impact
Screening done on host’s property. <i>Neighbouring properties not affected.</i>	Screening done on <i>neighbouring</i> property with little effect and <i>not recommended.</i>

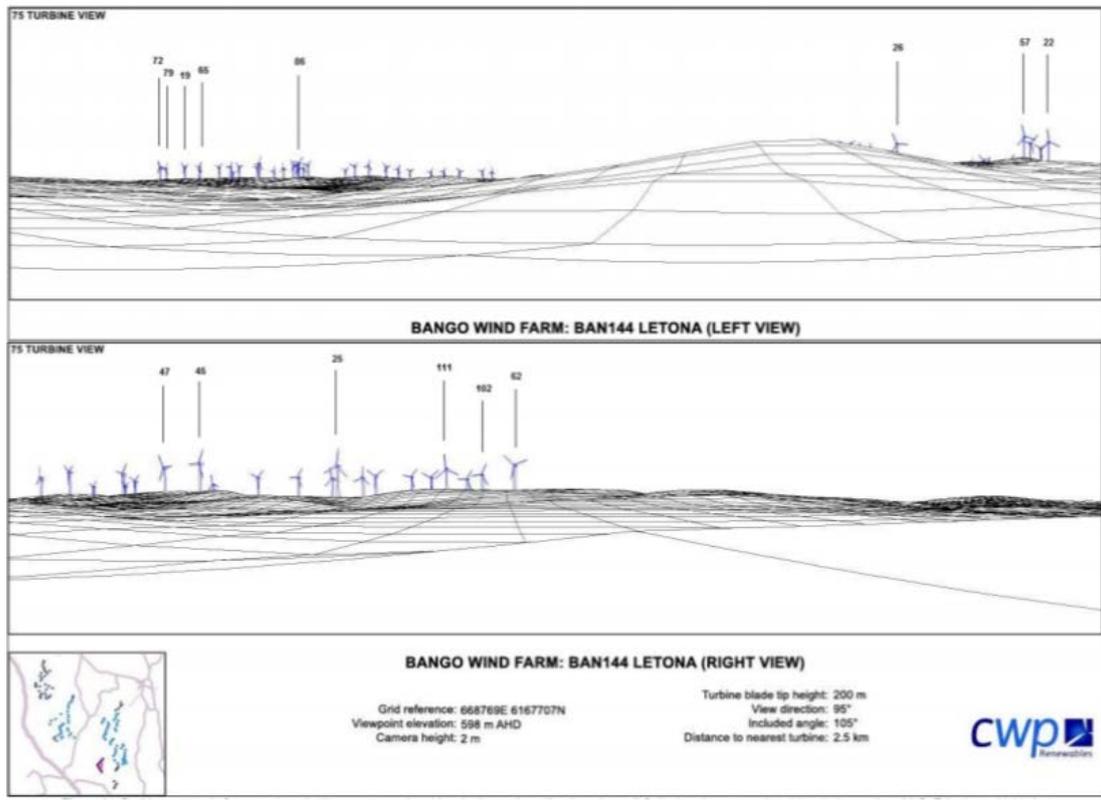
How is wind power justified when the above are properly and duly considered, especially given the context and issues raised by the Yass community? Furthermore, as the DPE has noted in Section 2.1 of their Assessment report, considering eleven projects have already been approved within 60km radii, it would make even more sense for a diversified energy source to be considered. The hosts retain their financial compensation/fee/benefit with minimal impact to others and there may in fact be opportunity for more hosts.

MASSIVE IMPACT ON OUR VISUAL AMENITY

Specifically, one of the most significant impacts on our amenity will be visual, and the corresponding conversion of the tranquil rural landscape to essentially an industrial estate. The proposed 200m high turbines located across our ridge lines erode the most idyllic setting that it provides our family, neighbours and visitors alike. As clearly shown in the diagram below (extract from DPE SSD report), the current proposals have the turbines clustered so closely together, creating a “forest”, which has an intensity and massive visual impact especially when compared to other large turbine projects.



The independent visual impact report conducted by O’Hanlon Design reclassified a number of residences with a higher impact from the original assessment by Green Bean (conducted by the developer). Importantly, our residence, no. 144, was classified as “*significant impact*” as a result of cumulative visual impacts from both the southern Kangiara and Mt Buffalo clusters and being only 2.5kms from the nearest turbine.



Furthermore, the proponent has not considered the visual impact from one of our larger, higher altitude lots which constitutes a large part of our property and where we intend to establish another residential dwelling. The impact here would be extreme.

The detailed topographic map identifying the specific turbine locations and the associated photomontages provide striking evidence of the adverse impact that the Bango Wind Farm will have from our residence, in fact the impact is not adequately represented as it only focuses on the view from our house. As mentioned by one of the speakers at the PAC meeting, "...our farm is also our office, our garden, our outdoors, and our recreation". The visual impact is intolerable, and it will be exacerbated by the additional effects resultant from noise, vibration, blade glint, shadow flicker and disturbance from artificial night lighting.

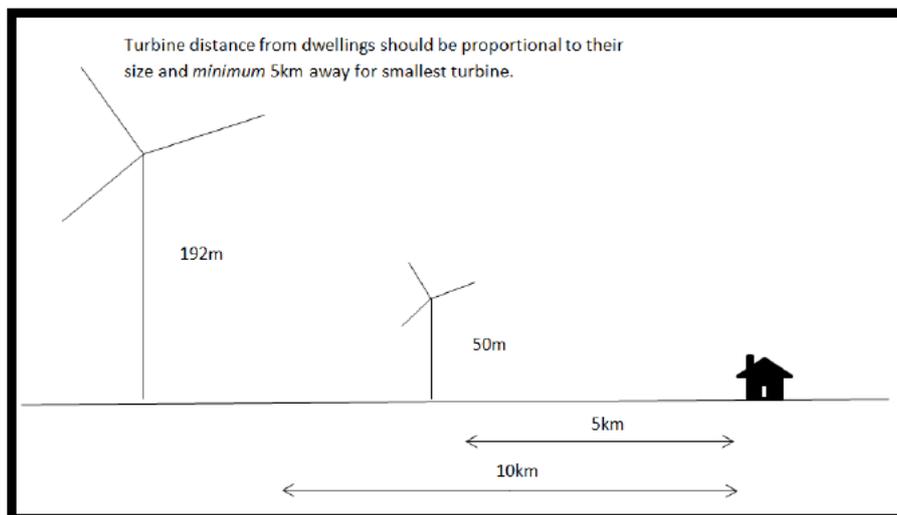
The Bango proposal should only be assessed following the development of the national standard for visual and landscape impacts as per recommendation #6 of the 2015 Senate Select Committee on Wind Turbines.

It is important to note the scale of the turbines being considered as they are massive. As shown as a comparison to the Sydney Harbour Bridge, these will dominate the landscape and any amelioration recommended by the Department by "screening" is farcical. The NSW Guidelines (*NSWDPE Wind Energy: Visual Assessment Bulletin - for State Significant Wind Energy Development*) does NOT recommend vegetative screening as a mitigating measure as valuable views are lost in the process.



Image: Comparison of proposed turbine height & Sydney Harbour Bridge + Visual Impact on our property (note bridge summit to water line is 134m ...proposed turbines are 66m above the bridge)

The overall “set backs” to residential properties should be proportional to the height of the turbines.



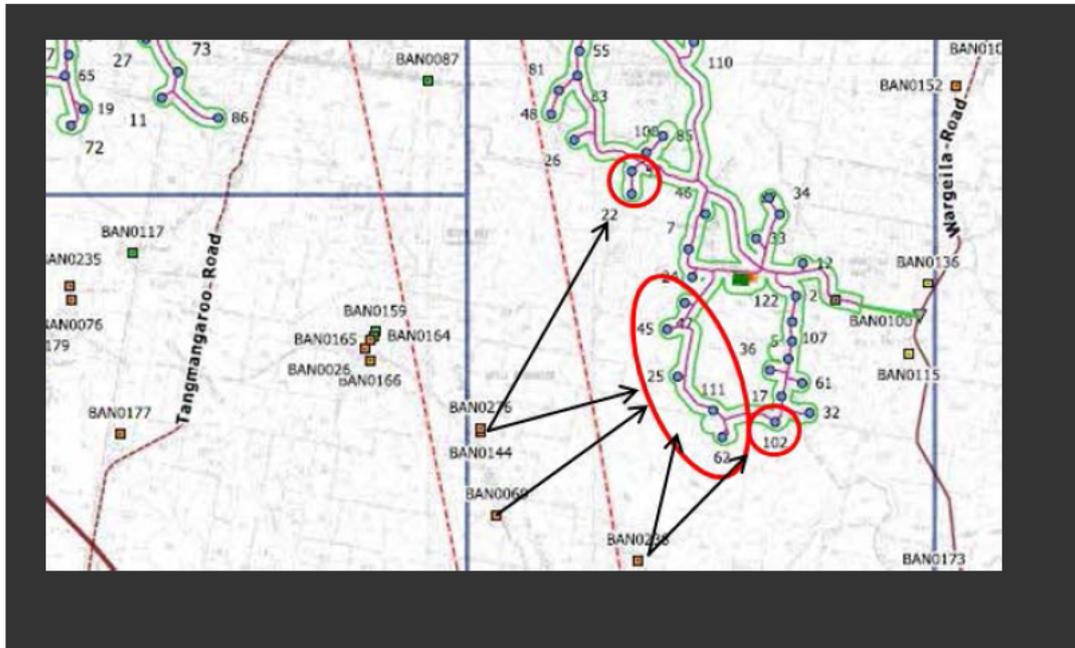
The O’Hanlon report acknowledges the ***cumulative visual impact is significant for 19 residences***, with the majority of these enjoying views/aspects to the most valuable north and north east views.

Furthermore the DPE SSD Report acknowledges on page 32 that R60, R144 (ours) & R238 have a series of turbines in close proximity which they would consider recommending for removal and adding the requisite conditions should the Commissioners agree. We are unsure how the Department has assessed and valued residences and the associated visual impacts to the north, resulting in significant reduction in numbers of turbines when the impact was equivalent, or if not worse, in many instances.

Accordingly, as a minimum should the project be approved, we seek the Commission’s directive to remove the following turbines:

Layout Option 1	Layout Option 2
57, 22, 47, 45, 25, 111, 102,62	6, 44, 103, 41, 54, 28, 93, 31

With most significant impact for all three residences being turbines #25, 62 & 111 (in Layout Option 1, and corresponding turbines in Option 2).



EAR KEY ISSUE: NOISE & VIBRATION

The NSW Director Generals Requirements have not been followed with respect to the mandatory requirement for an accurate assessment of the noise impacts of the proposed development, which specifically required the proponent to include a “*comprehensive noise assessment*”.

The proponent’s acoustic report has failed to provide such a noise impact assessment, and the NSW Department of Planning has failed to ensure that such an assessment was provided.

The wind turbines are audible, and as identified by the Waubra Foundation, “...if approved, the harm which will result to the surrounding community members near Bango is predictable, measurable, and actionable via noise nuisance litigation. In addition relevant professionals and decision makers could also be sued for professional negligence, particularly in the light of the recent AAT decision”.

In addition, the World Health Organisation (WHO) has produced numerous scientific reports on the impacts on human health due to noise (audible and in-audible) and visual pollution from industrial wind turbine farms. The reports by WHO and other independent major international organisations are commissioned with no vested interest, and accordingly countries around the world who have embraced wind power are now facing mounting community outrage due to noise levels and the consequential health impacts. The recent research has indicated that anyone within a 10 kms radii of a wind farm is likely to suffer health related problems due to the noise and vibration impact of the turbines.

The reality is that modelling of predicted noise levels cannot be proved until the wind farm is operational, by which time it becomes a costly exercise to either turn off or remove the offending

turbines which is extremely unlikely. Developers will offer reassurance that levels will be monitored, but what practical action can be taken when levels are found to be too high?

The DPE report identifies that compliance *cannot* be achieved for residence #238 – how is this non-compliance of such a fundamental right for the residence deemed acceptable? The Commissioners must as an absolute minimum remove offending turbines in close proximity to this residence (turbine 62 and 102 as above which will also ameliorate already stated visual impacts).

The adverse impacts to health are also identified and endorsed in the Department of Planning's report "Wind Turbines and Proximity to Homes: The Impact of Wind Turbine Noise on Health".

The EIS identifies that "minor exceedances were predicted in the initial layout", and this should be further evaluated at night where the allowable background noise is often below 20 dBA.

Finally, the proposal should be assessed in accordance with requirements which come from Recommendation #6 of the 2015 Senate Select Committee on Wind Turbines – being the formation of Independent Expert Scientific Committee on Industrial Sound to create a national standard on audible sound, national standard on infrasound, low frequency sound and vibration, and a national standard on minimum buffer zones.

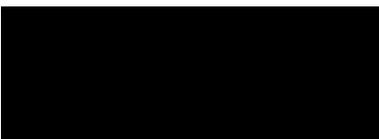
CONCLUSION

We live in constant fear and threat. We vehemently object to the proposed development due to the nature, location, scale and impact on ourselves, the surrounding community and the subsequent consequences of the RET schemes. The regulatory framework overseeing developments of this nature has failed by allowing proposals like Bango (as well as Rugby and Rye Park) wind farm to be put forward without greater levels of planning control and proper consultation. The cumulative impact on all levels of these proposed developments in such close proximity will be devastating to the areas and puts in question the definition of human rights and true sustainability.

We are perplexed as to how many of the requisite planning controls and mandatory requirements of the Director General of the NSW Department of Planning have been disregarded by the proponent, and similarly not adequately assessed or addressed by the DP&E. This matter is to be referred to ICAC.

We appeal to the Commissioners and the NSW Independent Planning Commission to ultimately reject the proposal in its entirety, or as a minimum to significantly reduce and amend the turbine layout so that they are not within 5 kms of any non-associated residence.

Yours faithfully,



Don Aroney