

11 December 2020

Mr M Danziger



Dear Mr Danziger

**Re: Proposed Solar Site  
4887 Great Western Highway, Glanmire**

I am Secretary/Coordinator of "Glanmire Action Group". Our group was formed to oppose the proposal referred to above.

You are the owner of the abovementioned site and so I am forwarding this email to you.

You, I know, are based in Sydney and have rarely, I understand, visited Bathurst and so you may not have been aware of some relevant past events or the potential impact of the subject proposal upon your neighbours and upon the broader community.

In 2017 there was a similar solar proposal for a Brewongle site just a few kilometres away. It failed but in opposing it many of us residents incurred significant expense and experienced significant anxiety in doing so.

We have, for all the time you have owned the abovementioned property, respected the fact that an owner can, within certain legal limits do what he or she wishes on his/her property. It is not uncommon however for neighbours to have respect for and regard for fellow neighbours when exercising such rights.

To the casual observer income derived by the landlord from this property has for the period of your ownership not been reinvested in the property but rather appears to have gone elsewhere. No doubt however your tenant's expenditure and indeed your tenant's primary produce has benefitted the local community and the broader population.

This email is to confirm the group's view of the consequences resulting from a solar development, as proposed, in fact proceeding.

1. The loss of highly productive cultivation land;
2. The loss of tenant's expenditure within the rural area with resulting financial loss to the community, and the loss of primary production resulting in loss to the broader population;
3. An inappropriate unsightly development at the location. This is likely to be to the financial and aesthetic detriment to neighbours and again to the broader community,

The proposal is occurring in a setting in which our State Government appears to have responded to past complaints and so has created the Central West Renewable Energy Zone. This proposal is outside the zone. The proposal ought to be accommodated within that zone.

If, on reflection, you are disposed to join our group, and/or give appropriate weight to factors mentioned above, and so invite the proponent to rescind any option or lease agreement it may have with you, then please advise us.

If you want any further detail on any matter raised before proceeding further along the course you seem to have embarked upon, then please advise and we will endeavour to assist you.

Regards

Jo Petch  
Secretary/Coordinator

10 May 2021

Mr M Danziger



Dear Mr Danziger

**Re: Glanmire Action Group**

**Re: Proposed Solar Site**

**4887 Great Western Highway, Glanmire**

I refer to my letter on 11 December 2020, I am Secretary/Coordinator of "Glanmire Action Group."

We received no reply from you. Between December 2020, and now we heard nothing from Elgin Energy and some of us thought you may well have intervened to stop the subject proposal in the interest of us resident's neighbours and the Bathurst Community.

Regrettably however a few days ago Elgin mailed advising of its intention to proceed.

Again, we write to ask you not to turn your back on your neighbours but rather meet with us or a nominee to listen to our concerns.

Further, Elgin is holding an information event at your property on Friday 14<sup>th</sup> and Saturday 15<sup>th</sup> May. We ask that you agree to us also setting up an information base, to explain to attendees our-your neighbours' objections.

I look forward to hearing from you.

Regards

P Bonanno

Secretary/Coordinator

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Sam and Polly Bonanno



8 June 2022

The Honourable Paul Toole MP  
Deputy Premier of New South Wales  
C/- The Honourable Paul Toole's Office  
Howick Street  
BATHURST NSW 2795

Dear Sir,

**Re: Glanmire Action Group  
Elgin Energy Pty Limited  
Solar Plant Proposal at 4823 Great Western Highway, Glanmire NSW 2795**

#### **Introduction**

1. I am the Secretary of "Glanmire Action Group". Our group was formed a year or so ago to oppose a proposal by Elgin Energy Pty Limited to install a solar plant on 500 acres of cultivation land at the abovementioned address. I **enclose** a copy of Elgin's brochure and our brochure.
2. Our Group has many members including many (including me) who were members of "Brewongle Action Group" formed to oppose a similar unmeritorious proposal by Photon at Brewongle just a kilometre or two away. You were then most supportive of our Group and we were most grateful. As you know, Photon finally realised its proposal was misguided and so abandoned it.
3. Your respect for the rural community and the land is clear. You have a good rural background and your appropriate support in opposing the Brewongle proposal demonstrated your entrenched values.
4. I am writing to you, our local State MP and Deputy Premier, to complain about the New South Wales State Government Department of Planning's legislation and its process for "State significant projects" as it impacts upon us and to ask you for your assistance. I have had assistance in writing this letter.

#### **After 2017**

5. Having assisted the Brewongle Action Group, you were well familiar with the planning provisions as they existed as at 2017. Since 2017, there have been legislative changes, and Planning Departmental changes.

#### **The Creation of Renewable Energy Zones**

6. This was, on the face of it, a major step forward in the interest of renewables, the environment and the community. Legislators such as you listening to parliamentary debates could be forgiven for thinking the creation of these zones would have put an end to proposals and conflicts such as this.

The zones were "trumpeted in". Our local "Orana" zone was created on an area having regard to factors that included the fact that the rural community generally wanted solar at that location and the Government identified the area as consisting of poorer quality soil. Our Orana zone was announced by your Government to create power for 1.4 million homes by the mid-2020s and the pressure and

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community uncertainty and adverse impacts upon the health and wellbeing of people outside the zones would be lifted.

In truth, nothing has in fact changed. There has been no restriction on proponents such as Elgin seeking to impose its will upon the community. A community well outside any zone.

The fact is applications within the Orana zone were nine times the applications required to achieve the mid-2020s target.

Further, however, I am reliably informed:

- (a) The Government target of 1.4 million homes by the mid-2020s will in fact be achieved; and
- (b) There is plenty of room for more solar within the Orana zone. Your Government just needs to give the Infrastructure Authority the "go ahead", It is ready to proceed.

So, why not stick to your Government's plan? Stick to the zones and stop outside impositions and protect your constituents, the 2014 Regional plan, your communities and their health and wellbeing.

### **Some Amendments to the Planning Process**

- 7. Amendments did occur, and you Minister could again be forgiven for thinking the Planning Authority could "weed out" spurious applications at an earlier or early point in time, thus saving communities from years of uncertainty.

I have been advised however, by the Planning Authority, that it recognises no such power. Its so described "Scoping Report" is little more than a formality.

- 8. The Planning Authority's introduction of a CCC. A farcical process, a box ticking exercise, likely to be incorrectly reported upon.
- 9. The 5 kilometre and 10 kilometre distances principles introduced in late 2021.

"Toothless Tigers". The less discerning and more inconsiderate the proponent, the less impact and deterrence these amendments have.

Further, I am advised that this proponent expects it does not even apply to it. This assertion is inconsistent with a letter forwarded by the Planning Authority to one of our members Ms Diane Willman and dated 23 December 2021. I **enclose** a copy.

- 10. The Planning Authority has been clear that locating solar infrastructure on soil with a class capability of 1, 2 or 3 should be avoided.

This land has been cultivated for as long as people can remember. It continues to produce grain. It is class 2 and 3.

This, however, does not deter this applicant, a stranger to this country, from seeking to reclassify the land and so "barge on" to defeat the community and contradict the obvious. It managed to obtain an, 'out of town' classification of 4 and 5. Please look at the **enclosed**:

- (a) Photographs 1 and 2 – depicting the subject land in 2021 and again in 2022;
- (b) Photograph 3 – depicting typically classed land and produced by the New South Wales Office of Environment and Heritage.

I suggest the photograph demonstrates the farce. Nothing, however, reduces the adverse impact upon your constituents while this proponent barges ahead. The proponent is therefore uninhibited by:

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- (a) Your State Government's renewable energy zones;
  - (b) Insurance issues;
  - (c) The 10 kilometre and 5 kilometre amendments;
  - (d) The class 1, 2 and 3 principles;
  - (e) The so-called need for consultation.

The fact is of course that consultation has not relevantly occurred. Typically, undated Elgin letters are received by community members after any proposed event has been held. This company is uninhibited because there appears to be no "bottom line", just the Authority's expressions of preferences.



## Insurance

11. The Planning Authority advised us a long time ago that insurance was not a matter it considered in any detail. Insurance is, it advised, a matter for the legislature.

This is a most serious matter and we ask your Government to treat it as such. It threatens farming on surrounding land and must be dealt with.

Members of our Group have I understand on several occasions already written to you drawing your attention to this issue as well of course of many others.

## Conclusion

- A. More detailed complaints are included in a letter forwarded by Peter Hennessy a member of our Group to Mr Quinlivan (Department of Planning) dated 23 May 2022. A copy of his letter is **enclosed**. The complaints though sought by Mr Quinlivan have not yet been acknowledged by the Department.
- B. There appears to be nothing to stop a proprietary limited company with a paid-up capital of \$100 or less pursuing a solar proposal on 500 acres of cultivation land at the gateway to Bathurst and surrounded by grain and pasture paddocks jealously preserved as such by Bathurst Regional Council and within which there are residents and many more currently permitted residences on 250-acre blocks. The Planning Authority does not investigate or relevantly assess a proponent.

Both at Brewongle and now at Glanmire, the proponent is a proprietary limited company. Each has the funds its backers/proprietors choose to feed it. It follows it can readily go into liquidation to avoid an unwelcome creditor. Photon so-called did it many (30 or more) times.

In the end result, Elgin can say what it likes, if it is legally accountable to us it can avoid payment by liquidation. We on the other hand are legally liable. Is this "a level playing field" in your Government's view?

- C. The planning provisions may well have worked before renewables came on the scene.

Most certainly with the introduction of renewables, the process seems to have inherent problems. It seems to us with respect, there is an assumption or expectation that a proponent will act reasonably honourably and report reasonably truthfully. In my experience, such assumptions and expectations are inappropriate. For a greater explanation of this, please see Mr Hennessy's letter **enclosed**.

- D. Your New South Wales State Government ousted the jurisdiction of the State Court from this "State significant project" process.

In the case of renewables on my observations, proponents' statements and representations frequently require scrutiny, investigation and responses.

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The responsibility for this in fact falls upon the community. Did your Government intend this? Surely not, but this is nevertheless the fact!

Our Group is spending tens of thousands of dollars and expending tens of thousands of dollars in time to present a truthful picture to the New South Wales Authority.

Our Group will never be compensated no matter how outrageous this proposal is. The proponent will escape with millions of dollars profit if it flukes a win.

Is this a "level playing field" in your Government's view?

- E. Proposals outside the designated zones should by legislation be stopped/prohibited until further notice.

The State Government's renewable energy zones should be fully supported and utilised.

If your Government is satisfied with its stated target of 1.4 million homes by mid-2020s then so be it. If the target is, or ought to be revised or a further target set, then infrastructure should proceed as contemplated.

Only upon exhaustion of the renewable energy zones ought there be any reason/need to revisit the allowing of proposals outside those zones.

If notwithstanding what has been said above proposals outside the zones are not stopped/prohibited then:

- (a) Proposals within the 5 kilometre and 10 kilometre distances; and/or
- (b) On land historically classed as 1, 2 and/or 3 or historically used as such should be stopped/prohibited except by leave.

Leave ought involve an early independent investigation of the subject land by an independent body.

- F. A person in authority within the Planning Authority ought to be allocated to a proposal and relevant parties ought to be so advised and entitled to structured access for directions, etc.
- G. Adequate and respectful times ought to be provided to all relevant parties. Currently, a proponent is allowed about two years to complete its EIS and the community is allowed about 28 days to respond. These time limits are I suggest disproportionate, unfair but perhaps are a reflection of attitude towards your community.

There should be provision for awarding costs reasonably and responsibly incurred by the community.

As already observed, this letter needs to be read in conjunction with Mr Hennessy's letter to Mr Quinlivan, a copy of which is **enclosed**.

I write to ask you Minister that you act in our interests.

Yours faithfully,

Polly Bonanno