

STATEMENT OF FACTS AND CONTENTIONS

Applicant Mr Phillip & Mary Anne Evans
 “Highfields”
 91 Hill Side Road
 GLEN INNES NSW 2370

Lot Numbers:

Turbines Visible (in whole or in part): 22

Distances to nearest cluster of turbines : (see attached map)

Subdivision: Potential – 3 blocks

The Applicant’s contentions are as follows:

1. Noise
2. Health & Safety
3. Property devaluation
4. Visual amenity
5. Appropriate setback of wind turbines from residences

It must be noted that we are not objecting to the Glen Innes Wind Farm in its entirety rather removal of some turbines within a 2km buffer-zone, in compliance with Glen Innes Severn Council’s Development Control Plan and the NSW Legislative Council’s Rural Wind Farm Inquiry, to ensure that the living conditions of non-wind-farming residences are not adversely affected.

To comply with this, the Glen Innes Wind Farm would need to remove turbines:
15; 16B; 16C; 17; 18 (has already been removed); 19, 21B & 22B.

If this were done, it would bring the Glen Innes Wind Farm back to a 21 turbine wind farm. It must be noted that the original Glen Innes Wind Farm was for 22 turbines.

Concerns

i. Noise Issues

- By the proponents own admission, noise levels at our home “...it is predicted that the criteria would be exceeded for short periods at this (our) location if the Vestas V90 3MW turbines were used in an unconstrained operational mode. Exceedance of noise criteria of up to 1 dB (A) has been predicted for short periods at Highfields and may require a constrained operation of selected turbines to ensure compliance...” Pg.ES-11, Volume I. If so, why are these turbines allowed to be only 1.16kms from our home and surrounding it by at least 7 turbines within 2km and 15 within 3km? Does this noise then reverberate and magnify to ensure that this criterion is exceeded regularly?
- Similarly, on Chapter 10-2 Volume I of the EA, the proponents claim that “the proposed layout has been designed to achieve acceptable impacts at neighbouring residences primarily through ensuring sufficient setback of turbines from the

closest residences.....to ensure that the selected layout enables compliance with noise level criteria.” By the Glen Innes Wind Farm proponents own admission, this has NOT been done.

- Turbine 18 has been removed however the insertion turbine, 16B will effectively DOUBLE the noise levels at our home. Furthermore, there is no evidence to suggest that our predominant noise levels would be generated from turbine 18 due to the prevailing wind pattern directions.
- “The predominant wind direction at the Glen Innes Wind Farm is from the east. The next most predominant wind direction is from the west and together the easterly and westerly winds account for about 50% of the winds measured at the site.” Chapter 5-6, Volume I. We will have 4 turbines to the west; 4 to the north & 2 to the south.
- These exceedances are a public “nuisance”.
- Why does the proponent go on at length, on following SA EPA Guidelines and World Health Organisation noise amenity guidelines for the wind farmer (non-relevant) residences and totally disregard the fact that these guidelines will not be used for residences that are not receiving and financial remuneration. See Chapter 10-3 paragraph 6, Volume I.
- Please refer to Table 10.5 & 10.6 (pages Chapter 10-13 & 10-14) and try to explain WHY consideration is given to a vacant house, in disrepair, owned by a wind farmer and NONE is given to a family who are living with noise levels equal to it?
- Why will the proponents enter into an “....agreement with an owner for the purpose of addressing noise exceedance at a non relevant residence needs to describe the nature of the predicted noise impact so that the potentially affected landowner understands the issue and can take that into account when consenting to the development.” Chapter 10-14, paragraph I, Volume I. WHY HAVE WE NOT BEEN EXTENDED THE SAME COURTESY?
- When the noises levels are exceeded, the Glen Severn Council will be the regulatory body, how will they be shutting down the turbines to adhere to noise guidelines? They do not have the expertise to manage such specialised monitoring. These concerns were expressed at the NSW Legislative Council’s Rural Wind Farm Inquiry and is of real concern.
- It would seem that the experience of the Capital Wind Farm, also an Infigen wind farm, is that any complaints about noise exceedances are falling on deaf ears. All these victims can do is to wait until compliance testing has been done and results analysed. They have been living with this noise for 5 months and realistically they can expect another 5 months to pass before a result has been determined. As those testing will be those who did the prediction analysis, they expect that the noise will just comply.
- The Protection of the Environment Operations Act 1997 does consider intrusive and offensive noise. Whether noise is considered offensive or not, and is subject to the 6 part offensive noise test, is the prime consideration of the Protection of the Environment Operations Act 1997 (POEO Act) and NSW Noise Guide for Local Government.
- Offensive noise, is defined in the dictionary of the POEO Act as noise
 - a. That, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:

- i. is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or
 - ii. interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted or
 - iii. that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.
- Offensive noise is a subjective concept and in a number of situations it can be assessed without the use of a sound level meter. In other words, whilst noise may still comply with the absolute noise limits that Planning have decreed, noise can still be found to be offensive on the basis of the six part offensive noise test which is:
 - i. Is the noise loud in an absolute sense? Is it loud relative to other noise in the area?
 - ii. Does the noise include characteristics that make it particularly irritating?
 - iii. Does the noise occur at times when people expect to enjoy peace and quiet?
 - iv. Is the noise atypical for the area?
 - v. Does the noise occur often?
 - vi. Are a number of people affected by the noise? (only one person needs to be affected by the noise for it to be deemed offensive)
- The Protection of the Environment Operations Act 1997 and offensive noise requirement is legislation and applicable to NSW wind farms. The Rural Wind Farm Inquiry was critical to the lack of a NSW standard. It is arguable that Planning is negligent in applying a SA standard that when used for rural environment characterised by low background noise, will knowingly not meet the NSW statutory obligations with respect to offensive noise.
- Recommendations 17 of the Legislative Council's Rural Wind Farm Inquiry states : "That the Minister for Planning ensure that the Environmental Assessment process for wind farm development applications requires comprehensive assessment of potential noise impacts. Both day and night time noise modelling and noise modelling in relation to temperature inversions and the van den Berg effect should be taken into account." This has not been done – all of these considerations need to be done in the design phase not once the wind farm has been built. The final configuration of the wind farm is subject to change so we don't even know how close or where the actual turbines will be.
- No assessment of the noise environment for the circumstances where is enough wind speed on the ridge to operate the turbines, yet at our place further down the hill, it is still. This happens on a daily basis. This omission only indicates one thing, a lack of veracity on behalf of this report.
- A setback buffer of 2km would alleviate ALL these issues. A simple solution that allows for the Glen Innes Wind Farm to exist in harmony with the Glen Innes community.

Health

- See Ashley and Suzanne's information
- Pp.128-131 LCRWFI

Property Devaluation

- We believe, and all our research has shown, that the value of our ‘lifestyle property’ will decline once the wind turbines are built. To that end we have had our property valued NOW and, if the event that such turbines are built, will have it valued again. Should the value have decreased due to the difficulty of selling because of the wind turbines and their nuisance value, we will have no other choice than to seek redress in this matter.
- A local property known to us, had virtually been sold until the potential buyers found out about the possible wind farm development near them and the sale was lost. This happened to this property twice!
- Several discussions with property valuers’ and real estate agents have all been consistent in their appraisal of the value of our property if the wind farm is established – THE VALUE OF OUR PROPERTY WILL DECREASE ANYWHERE FROM 25 – 45%!
- Such a drop in our capital value will impact on us greatly. The impact of “nuisance” will therefore be the legal avenue we will have to take.
- The EA has simply used baseless rhetoric to not address the very real concern to us that “who would want to buy a lifestyle block that is surrounded by 7 x 130metre turbines and being able to see 22?”
- Recommendation 19 of the Legislative Council’s Rural Wind Farm Inquiry states that : “The Minister for Lands request that the NSW Valuer General commission a comprehensive research study into the impact of wind farms on property values in NSW to build on the work of the Preliminary assessment of the impact of wind farms surrounding land values in Australia, August 2009.
- Added to this argument is the fact that if there is a nearby wind farm, this can prevent a property owner from sub-dividing. P137 Legislative Council’s Rural Wind Farm Inquiry, Mr John Carter, states : “it has been pointed out to them quite rightly by the planning officer at the Upper Lachlan shire that people cannot put in for a subdivision if they are within two kilometres of a wind tower”.
- This clearly imposed upon our ability to subdivide and devaluing our property as a result.

Visual Impacts

- As we are the closest home to the proposed wind farm, we will experience the visual amenity every waking moment. From the drive to work, the drive home from work; gardening; managing the property; to sitting in our kitchen having a cup of tea. We will be unable to escape the visual impact of this proposed wind farm.
- We will be surrounded by 7 x 130metre towers and have view of 22 in total. How does one escape that? The developers say in their EA that “The wind farm will introduce large wind turbine structures along Waterloo Range that contrast with the existing landscape. Due to the turbines being located on top of the ridgelines they will have potential to attract attention but will not obscure views of the

existing rural landscape features. Viewer's opinions of the visual impact of the turbines in the landscape will vary widely and are likely to be influenced by subjective factors that are difficult to quantify." Chapter 6-1, Volume I. The quantifying factor is this, if you are surrounded by 7 x 130metre towers this has a severe visual impact particularly when you have invested in an area because of its intrinsic natural beauty.

- The EA does rate our visual impact as "High" (Table 6.2, Chapter 6-9). It also states that we have mature trees however these trees are NOT 130metres tall, nor do they sit on the ridge and they do not surround our house. By the time these trees are tall enough to screen the wind towers, we will be dead.
- The absurdity of growing large trees on the northern side of any home in the New England area shows the ignorance and lack of understanding of the proponents. We need sun in our homes so that unnecessary energy is not being used to heat our homes in what is a bitter climate. As the proponents would be aware of "Basix" regulations now ensuring that new homes meet energy targets.
- We will be exposed to substantial shadow flicker – surrounded by 7 turbines, how could we not. This is once again substantiated by the EA (Chapter 6-10 & 11, Volume I). To suggest that "the number of large trees surrounding the residence mean that any shadow flicker effects that may occur would be largely mitigated" is once again admitting that there WILL be an impact, but to the proponents, this is not very much.
- The issue of "nuisance" is once again raised.
- Blade glint will be an issue for the residences of the Furracabad Valley although the proponents believe because of a "...low density of settlement (there are 11 houses within the 3km buffer) in the areas that could be potentially affected and the low volumes of traffic on the local roads. Where it does occur it (blade glint) will be of short term duration....." (Chapter 6-11, Volume I). Does this hazard mean less because our lives are not as important as others?
- The proponents say that "Turbine 18 has been shifted to the south of its original location to increase the setback from the Highfields residence" (Chapter 6-12, Volume I) what it failed to say was that turbine 16B was inserted close to our residence!
- The EA has stated that "it is possible that not all of the 27 sites assessed will be developed." Chapter 6-12, Volume I. This would certainly be a step in the right direction in order to reach a compromise – by removing any turbines within a 2 km radius

Appropriate Setback of Wind Turbines From Residences

- The appropriate citing of wind turbines ensures their viability for proponents and their acceptance by the local community. The concerning nature of this proposal is the amount of wind turbines within the 2km buffer zone which is not necessary as many alternatives exist in less densely populated areas.
- Our belief has always been one of welcoming such energy sources as solar, geothermal and wind however we believe that you put such in things in appropriate positions. 8 of the turbines in this proposal DO NOT adhere to such considerations and only aim to inflame community feelings of ill-will.

- As stated in the EA, "...Where possible, the project design has been modified to minimise impacts on neighbours while still ensuring that it remains viable. The bulk of the community that is further distant from the site will be essentially unaffected by the development." Page ES – 7. Indeed NOTHING has been done to modify the impact on neighbours INSTEAD a 22 wind turbine proposal has been increased to a 27 wind turbine proposal INCREASING ALL impacts! As far as the bulk of the community is concerned, our surveys of the local community prove that as a community we believe in appropriate placement of such structures 2km away from people's homes. These surveys have been tabled in parliament.
- **Our community supports the 2km setback; our Council supports the 2km setback; our local member, Speaker of the House, Mr Richard Torbay supports such a setback!**
- Please explain to us, why such a reasonable request is being ignored by the proponents?