

Hello Commissioners,

My name is Yestin Hooper and own property NAD24 on Morrisons Gap Road (MGR). I also have financial interest in my parents property NAD 12 which is next door.

After reviewing the Department's assessment report and conditions of consent I support the Department's recommendations to remove the **17** nominated turbines, however I believe there are remaining issues that require consideration.

The applicant proposes to utilise our existing vegetation to achieve visual impact compliance. Visual impact at NAD12 and NAD24 is VIZ1 category.

The proposed mitigation is without our consent or agreement.

The applicant's proposal burdens our land with new & unwelcome land use constraints. Our land is currently able to be cleared for primary production and private native forestry use. Clearing can also occur to facilitate Asset Protection Zones (APZ) for buildings and infrastructure. The southern portion of our land is where the existing vegetation is located for the proposed mitigation. This land will now effectively be sterilised and limits the scope of any future development opportunities due to the proposed mitigation.

To assist the Commissioners in understanding my point of contention, I will draw comparison to the planning principles and control measures used in bushfire mitigation.

The NSW "Planning for Bushfire Protection 2019"(PBP) document provides standards and guidance for assessment authorities when addressing bushfire hazards.

A primary mitigation control measure within this document, is the use of an Asset Protection Zone (APZ). *(which is a cleared area surrounding a built asset which provides a buffer zone between a bush fire hazard and an asset.)*

As a general principle, APZ's are located on the development allotment **ONLY**.

When proposed development cannot achieve an effective APZ due to site constraints, then adjoining allotments can be considered to locate an APZ. *(See PBP 3.2.5 APZs on adjoining land.)*

Although adjoining lands can be considered, it is actively discouraged by consent authorities for the following reasons.

An **agreement** from the adjoining land holder must be obtained and an easement formed on that allotment to guarantee that the APZ is in place for perpetuity, thereby placing a permanent land use restriction on the neighbouring allotment.

The benefiting party is generally responsible for the maintenance of the APZ. Use of adjoining land has potential to become problematic through future land ownership changes, dispute between parties and also places new constraints on the adjoining land, hence why it is only allowed in exceptional circumstances.

I ask the Commissioners to consider, the applicant is directly relying on our existing vegetation to achieve visual impact compliance.

This is not dissimilar to a neighbouring party relying on adjoining land to achieve a compliant APZ, as I have described in my previous analogy.

There is one crucial distinction however, an adjoining land APZ has a **legal agreement** between the parties that specify the extent of the mitigation control measures, who is responsible for maintenance and quantifies the resultant land use constraints.

Additionally, as the recommended conditions stand we have no recourse in the event the existing vegetation is removed through bushfire, storm or snow event to address any resultant visual impacts.

I therefore request the commissioners apply conditions of consent requiring the applicant to secure an **Impact Agreement** between the parties of NAD12 and NAD24 before construction of T64, T65, T66, T67, T68, T69, T70 or our **preferred** condition is to remove T64-T70 from the project entirely. I note removal would also benefit other non associated receivers.

I would also draw the commissioners attention to the fact these turbines are marginal generators as they are required to run in curtailed modes to achieve noise compliance at other receivers and their close proximity to a public road that will be subject to ice and blade throw hazards.

As time is limited today please review my written submission for further details to my presentation and other gaps I have identified in the Departments conditions of consent and assessment report.

Thankyou for listening to my concerns today.