

To the commissioners

RE: SSD 9679

DAD 01

I am making this submission to provide information for the commissioners regarding the validity of the dwelling entitlement DAD 01.

Herbert Smith Freehills response to RFIs on behalf of the proponent:

1 The CDC is unlawful and should be given very little, if any weight for the purpose of assessment

Comment: Totally baseless, Usual response from a paid lawyer

1.1 The CDC does not meet the requirements of the Codes SEPP and acting on it would amount to a breach of the EP&A Act

Comment: Not correct the CDC was lawfully issued by a registered private certifier. All conditions were met including bush fire ratings, legal access on a council formed and maintained road (Tamworth council have provided written consent to access from Morrisons Gap road to the dwelling site) and the site is not densely vegetated.

1.2 In any case, the CDC should be given little or no weight for a variety of other reasons, including that the future landowner is unlikely to act on the CDC before it expires

Comment: What a ridiculous statement to make, the new owner being the recently deceased owners son Mr Savage has made it abundantly clear he intends to complete the build as evident in his new submission.

Additionally the rejection of the DA application in 2019 (which was orchestrated by the proponent, adjoining landholder and major land host holder, see attached item 1) has been resolved with legal access guaranteed by council. Any construction is therefore not in breach of the Codes SEPP.

Given the validity of the dwelling consent and the intention to build the DPHI under the NSW guidelines should give weight to this dwelling entitlement but now we find pressure from a foreign multinational as to the viability of the project without the 11 turbines. If the project cannot be viable without these 11 turbines it should be rejected as the risk of an unviable "stranded asset" is extremely high and would greatly outweigh any public benefit.

2 Taralga is directly relevant to the assessment of impacts from the Project

2.1 The common law sets the applicable legal precedents

Comment: What is the law and what are the property rights for freehold land? Given the viability of this project it is a hard stretch to prove a minute public benefit over property rights!!

2.2 The policy settings at the time of Taralga and Chief Judge Preston's approach

Comment: The Taralga case was initiated by the landholder and was a willing participant in the compulsory acquisition of the property. The landholder within the Hills of Gold project has clearly stated he is not selling the property to the proponent.

2.3 In light of the current policy settings, the reasoning in Taralga is even more applicable now

(a) The 2016 Wind Energy Guideline does not provide any guidance as to the assessment of dwelling entitlements, but elevates the significance of public interests considerations following Taralga

Comment: NSW is the only State that does assess visual and noise impacts on dwelling entitlements and I am very sure in Sydney if your house was 500 metres from a turbine 230 metres tall you would understand the impact.

(b) The 2023 Draft Energy Policy Framework is also consistent with the reasoning in Taralga

(c) A factual comparison to the assessment of impacts in Taralga

Comment: Talk about waffle and the validity of assessment of visual impact, the DA has been consented and the dwelling will be constructed. The relevant property is highly impacted by the project, the CDC was lawfully issued and the dwelling entitlement should be assessed under the NSW guidelines for wind farm impact.

2.4 The policy settings have changed since Taralga to respond to the urgent need for renewable energy source

Comment: There is always a argument for the "Public Interest" but given the economic viability of this project, the very poor wind source of 17 western corridor turbines, the steepness of the terrain, poor constructible soils, 11 turbines to within 50 metres of state significant nature reserves there is NO PUBLIC INTEREST BENEFIT.

3 NSW is the only jurisdiction where dwelling entitlements and approved dwellings need to be considered and assessed

Comment: About time the rest of Australia represent rural communities and rural property rights and acknowledge dwelling entitlements of its citizens.

I ask the commissioners to consider the facts as presented, the lawful DA and the rights of rural landholders to construct dwellings within their properties. The consideration of The Hills of Gold wind farm public interest argument is not a consideration for this project.

The lodgment of DA application for lot 47 DP 753722, 828 MORRISONS GAP ROAD HANGING ROCK :

The email attached below highlights the intention of the owner and the actions of the proponent.

From: Zuzana Savage [REDACTED]
Sent: Thursday, 3 February 2022 12:13 PM
To: Anthony Ko [REDACTED]
Subject: HOG wind farm

Hi Anthony

I became aware of some misleading information peddled by Engie in the amended documents they have recently submitted.

I disagree with the following statement in relation to my approved DA for a house on Lot 47: "DAD1 has not been constructed and there is no current indication that it will be constructed (which would require the demolition of the landowner's existing dwelling)."

They said that this information was derived from the Development Consent they have obtained. But then, in the visual assessment for the approved dwelling location on lot 47, they said that the Development Consent was not available to them and therefore they couldn't tell which way the house was oriented. Well, did they obtain it or didn't they?

If they obtained it, they would have known that it does NOT require the demolition of my existing house. My property consists of two lots, lot 46 with the existing house (old soldiers settlement) and lot 47 which always had its own dwelling entitlement.

If they didn't obtain it and needed it for the visual assessment, why didn't they ask?? I could have given them the whole folder. I was there that day when the assessment was being done.

It's unprofessional for the sound consultant Sonus to make guesses and assumptions whether my house will be constructed or not, but I can assure the DPIE that I have not gone through a three year battle to have this house approved and then not construct it. At present I am looking after a frail elderly relative and it would be impossible to begin construction work while I am literally attached to a bed of a sick person.

Once the new house on lot 47 is constructed, I may sell lot 46 with the old house to supplement my retirement. The preservation of access to lot 46 via the Crown road that runs along the ridge is very important, that Crown road is the LEGAL access to both lots. It seems to me that Engie have a different idea for that Crown road, they intend to lock it up and make it a part of the wind farm. I hope this would not be allowed.

Engie is also trying to imply that initially I was participating in the wind farm. This is not the case. Because I have agreed to review the contract, it doesn't mean that I was at peace with this proposal at any stage. If anything, seeing the contract and its conditions helped me to understand the magnitude of the pending disaster and gave me the strength to resist this proposal despite the pressure and bullying.

Engie have pointed out that I have a large property and could have chosen a different site. They don't seem to understand that after living with a 3 km long driveway, accessible by 4x4 only, for 21 years, I would like to be closer to the front gate for a change. I am not getting any younger and cutting trees off a driveway after a windy day or snow is hard work. I would like to remind them that the chosen house site is the THIRD location, because of the war they waged against me, I had to change the location a few times, and in that process to sacrifice THE MOST SPECTACULAR VIEWS a house site could have. If they are not happy with the resulting location, I am more than happy to have the first location back, the one I really wanted and they fought so hard against.

Another big, ugly, noisy issue is the proposed construction site or "compound" which is located between turbines 55 and 56 and only 550 meters from my new house. From that distance I will be able to hear people talking, not to mention the rest of the machinery noise and rock crushing!! The trees that are shielding the view to the compound location at a moment will unfortunately be lost. I am not a fan of clearing, and my property has more trees on it now as compared to how it was 21 years ago when I bought it, but due to the boundary dispute with my neighbour, we'll have to put the fence back on the boundary and a 30 meter clear corridor is required for effective fence. This corridor will remove all trees with only a few individual trunks left standing. I will see straight through to the construction site. But without the clearing, I would be constantly cutting fallen trees and branches of the fence and I doubt that Engie personnel will volunteer for the job. I run bison and they are escape opportunists the minute there is a tree on the fence, and it takes many days of hard work to get them back. Here is the question: would I be allowed to access the wind farm site if my bison have escaped? Can I ride my horse over the project site looking for them?

I really don't see the wind farm as a suitable or friendly neighbour.

And finally, I have NO intention of signing any neighbours agreements or selling my property, ever. This is my home and I have everything here that I want: cool climate, basalt soil, good rainfall, peace and quiet, ultimate privacy, clean air and water, beautiful views and soaring eagles. I'd like it to stay that way. These are my values, not the money. People who don't value money can't be bought. There are not many places left like this one and there will be even less when wind farms come up everywhere. There will be nowhere left to hide.

I really, really need this project stopped and not left hanging over our heads. It will never be built, it's not commercial. The worst that could happen is if it's partially approved and then on sold again and again. We all would like to put it behind us and get on with our lives.

Thank you.

Zu.

Copy of circulated letter for objections to DAD 01 dwelling application

Dear Friend,

You are aware of the Hills of Gold wind farm project. The project is at an early planning stage and a lot of work is being done to satisfy the requirements of NSW State Planning & Environment. In about October 2018 Development Application DA2019-0097 was submitted to Tamworth Regional Council to build a 50 square meter dwelling on the ridge where there is a plan to locate several turbines.

Information we have received after meeting with the Mayor of Tamworth and the TRC Planning Manager indicates that this DA has a likelihood of being approved unless further objections are raised with Council (specifically Mayor Col Murray).

From information we have on hand, **this development has been submitted to Council with the main objective of disrupting the Wind Farm**, I possess written evidence and is available should you wish to verify it.

There are several points to consider and we would like you to email or write to the Mayor objecting to this dwelling (DA2019-0097):

- This DA affects the location of up to 20 turbines
- The Community Enhancement Fund could be reduced by \$50 000.00 per annum or \$1 750 000.00 over the life of the project (not taking CPI increases into account).
- The dwelling is 50 square meters with an estimated building cost of \$100 000.00
- There is already a dwelling on the Applicant's property of about 1200 acres. A new dwelling could easily be located where it will not be affected by the Wind Farm infrastructure.
- The Dwelling and subsequent on-site sewerage system could have a detrimental effect on the neighbour's trout production business including drinking water for this property.
- There is documentary evidence showing that this Dwelling is an attempt to disrupt the Wind Farm.
- This dwelling has the potential to reduce future incomes of up to 5 neighbours.
- Independent advice indicates that this DA has no merit in legal terms, and that there is likely no intent to develop the land. It is clearly an obstruction of the Wind Farm Development.

Community benefits from the Wind Farm include:

1. Better roads
2. Bigger school, more children and funding.
3. Increased employment / reduction in unemployment
4. Retention of young people in the region
5. Business growth for local businesses
6. More demand for residential property
7. Improved health and allied community services.

Please write to The Mayor to indicate your objection to this DA and to further indicate your support for the Hills of Gold Wind Farm project.

Deadline for submission of letters of objection to DA2019-0097 is by close of business on Thursday 6th June 2019.

This letter has been prepared by Russell Sydenham [REDACTED] and Sue and Jim Robinson (M. [REDACTED])

Address for letters: ATT The Mayor,

Tamworth Regional Council

[REDACTED] TAMWORTH, NSW.

OR EMAIL: [REDACTED]