

# HILLS OF GOLD WIND FARM

## Independent Planning Commission Presentation

January 2024



RESTRICTED

INTERNAL

SECRET



# Acknowledgement of Country

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ENGIE acknowledges the Traditional Custodians of all the lands and waters upon which we work, live and play.

We acknowledge the Gomeroi people as the Traditional Custodians of the land the Hills of Gold Wind Farm is proposed on.

We recognise that for many thousands of years, the Traditional Custodians of this Country cared for and lived harmoniously with this place, and we pay our respects to Elders past, present and emerging.

ENGIE is committed to a just, equitable and reconciled Australia and recognise that we all have a role to play in achieving this vision.

## The Artwork

One of Hay's local First Nations artists, **Emma Johnston**, celebrates a connection to culture, Country and the wind in this piece titled '*Blue Winds*'.



# Agenda

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- 01** | About ENGIE
- 02** | Overview of Application
- 03** | Feedback on DPHI Assessment Report  
*Justification for reinstating 15 turbines*
- 04** | Weighting of Impacts Against Benefits of Reinstating 15 Turbines
- 05** | Biodiversity
- 06** | Visual Expert Assessment
- 07** | Conclusion

# About ENGIE

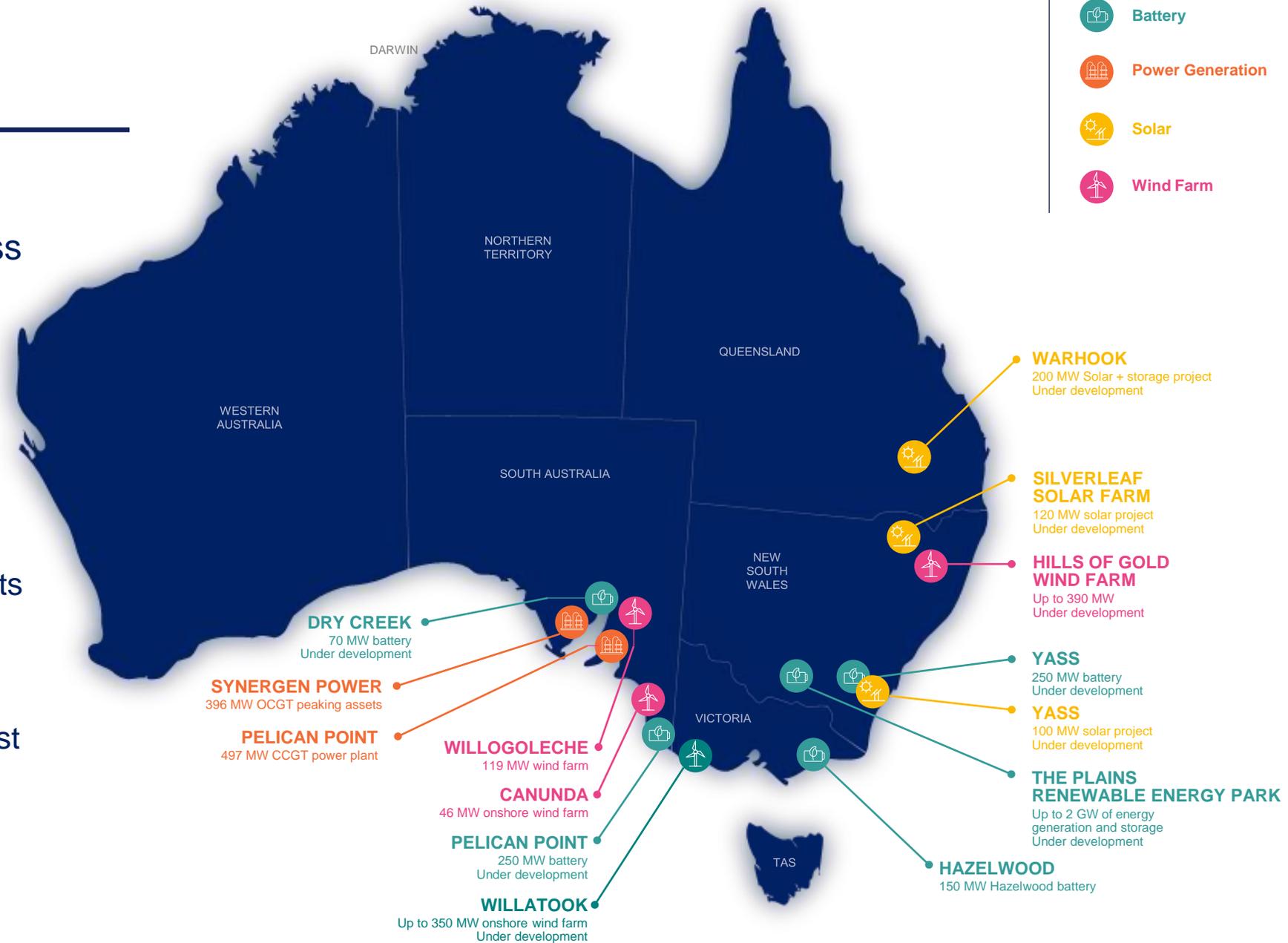
**37.8 GW** of renewable energy production installed capacity across 31 countries

**700,000** retail customers across Australia

Committed to accelerating the energy transition with a global target to be **Net Zero Carbon by 2045**

In Australia, this requires over **3 GW** of renewable energy and storage assets operational by 2030

Commissioned the **150 MW Hazelwood Battery Energy Storage System** at Australia's first retired coal-fired power station



# Project Overview



## Up to 62 wind turbines

maximum height of 230 metres, generating enough renewable energy to power up to **163,000 average homes**



## Significantly stronger wind resource

than most other wind farms in operation or under development in NSW



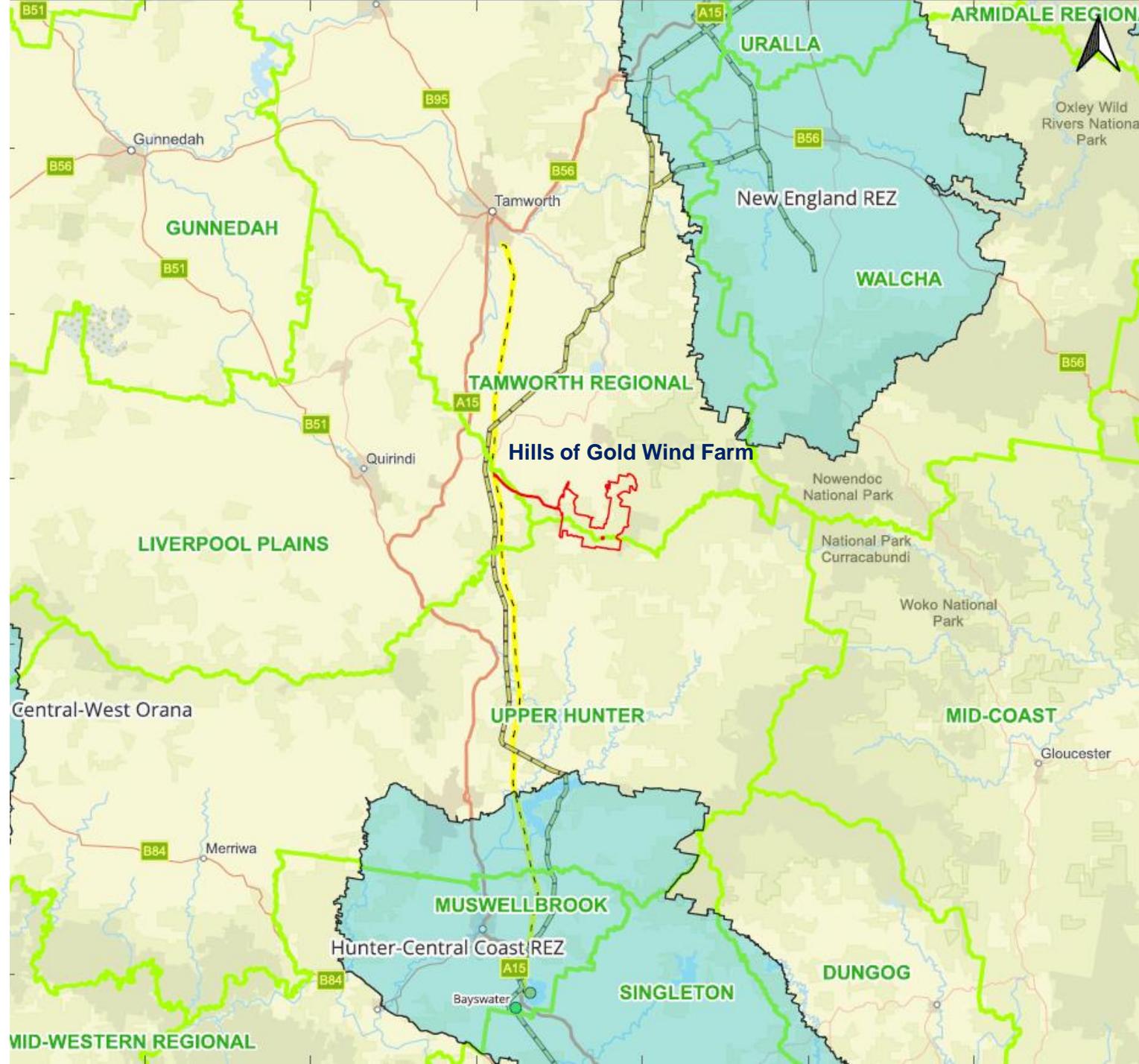
## Would connect into existing 330kV Transgrid Liddell to Tamworth network

unlike REZ projects that must wait for transmission to be built



## Regional context

- Historic land use industries such as forestry and grazing
- Low population density in immediate proximity with regional centres close by
- Low visual impact compared to other wind farms in NSW



# Strategic Context – Alignment with NSW and Commonwealth

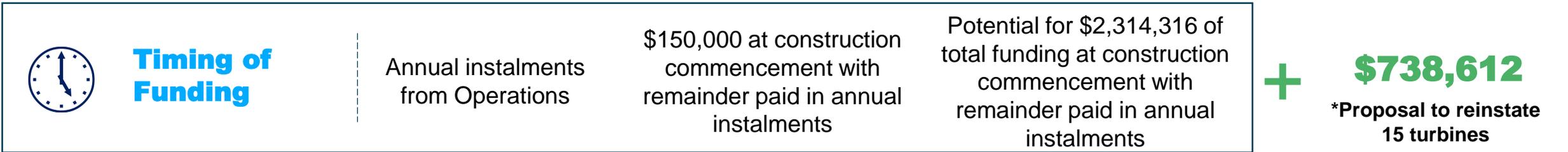
 <b>NSW Electricity Strategy and Electricity Infrastructure Roadmap</b>	 <b>Hills of Gold Contribution</b> with 62 Turbines	 <b>NSW Target</b>
 <b>New Private Investment into Regional NSW Energy Infrastructure</b>	<b>\$833 million</b>	<b>\$32 billion</b>
 <b>Created Construction Jobs</b>	<b>387 + jobs</b>	<b>6,300 jobs</b>
 <b>Reduced GHG Emissions</b>	<b>628,000 Tonnes</b>	<b>90m Tonnes</b>
 <b>Renewable Energy Capacity</b>	<b>372 MW</b>	<b>8,600 MW</b>

 **Commonwealth Target:**  
**82% Renewable Energy by 2030**



**57 GW**  
Equivalent of three x Current Renewable Capacity

# Economic and Community Benefits During Project Construction and Operation



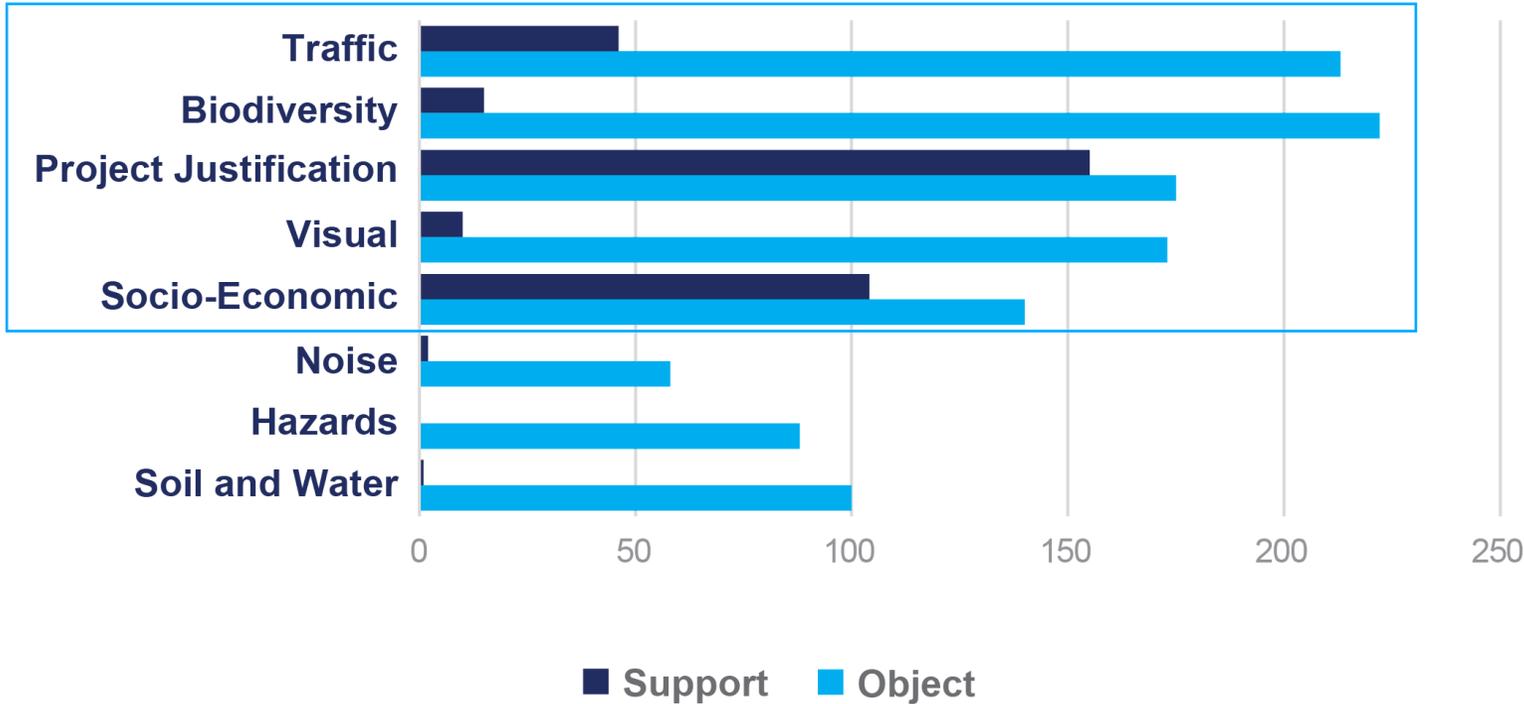

**Local Energy Offer**  
 In co-operation with our retail business Simply Energy, we are committed to launching special offers and campaigns for local residents which we aim to provide upon operation of the Hills of Gold Wind Farm.


**First Nations Agreement**  
 First Nations Agreement Making **\$90,000 combined p.a.** offered to Gomeroi Native Title Group and Nungaroo LALC

# What Engagement Told Us

## Submissions Received in 2021 EIS Public Exhibition

### KEY ISSUES RAISED IN SUPPORTIVE AND OBJECTION SUBMISSION



### INTERACTIONS PRIOR TO AMENDMENT REPORT

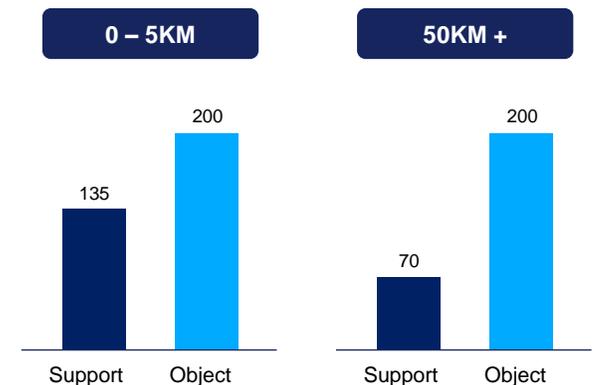


**400 Neighbours**  
within 5km



**785 Broader Community**  
outside 5km

### SUBMISSIONS DURING PUBLIC EXHIBITION OF EIS



# History of Impact through Design Change - Turbines



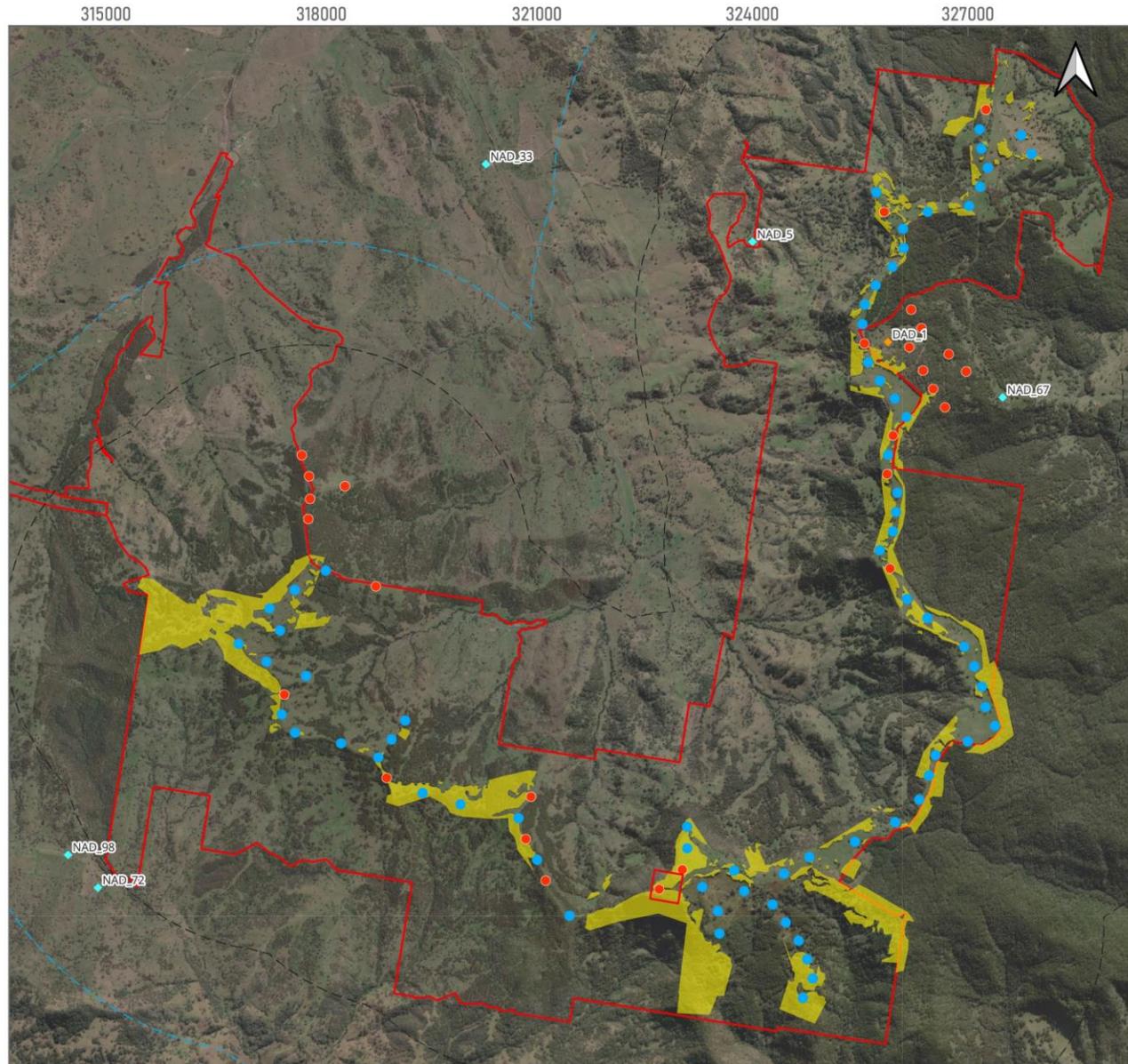
## Hills of Gold Wind Farm Project Development - V1

### Legend

- ▭ Project Area
- WTG Locations**
- Lodged
- Removed
- 1194 - Snow Gum - Mountain Gum  
Mountain Ribbon Gum open forest
- 3100m
- 4550m
- 8000m
- Dwellings**
- ◆ Non Associated Dwelling
- ◆ Development Approved Dwelling

Date: 11/01/2024  
 CRS: GDA94 / MGA zone 56  
 Scale: 1:75000  
 Basemap: ESRI Satellite (2022)  
 Data Sources: NSW Spatial (2023), ELVIS (2023)

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## Design Change Phases

- Scoping Report 2018  
**97 Turbines**
- EIS 2020  
**23 Turbines Removed**

# History of Impact through Design Change - Turbines



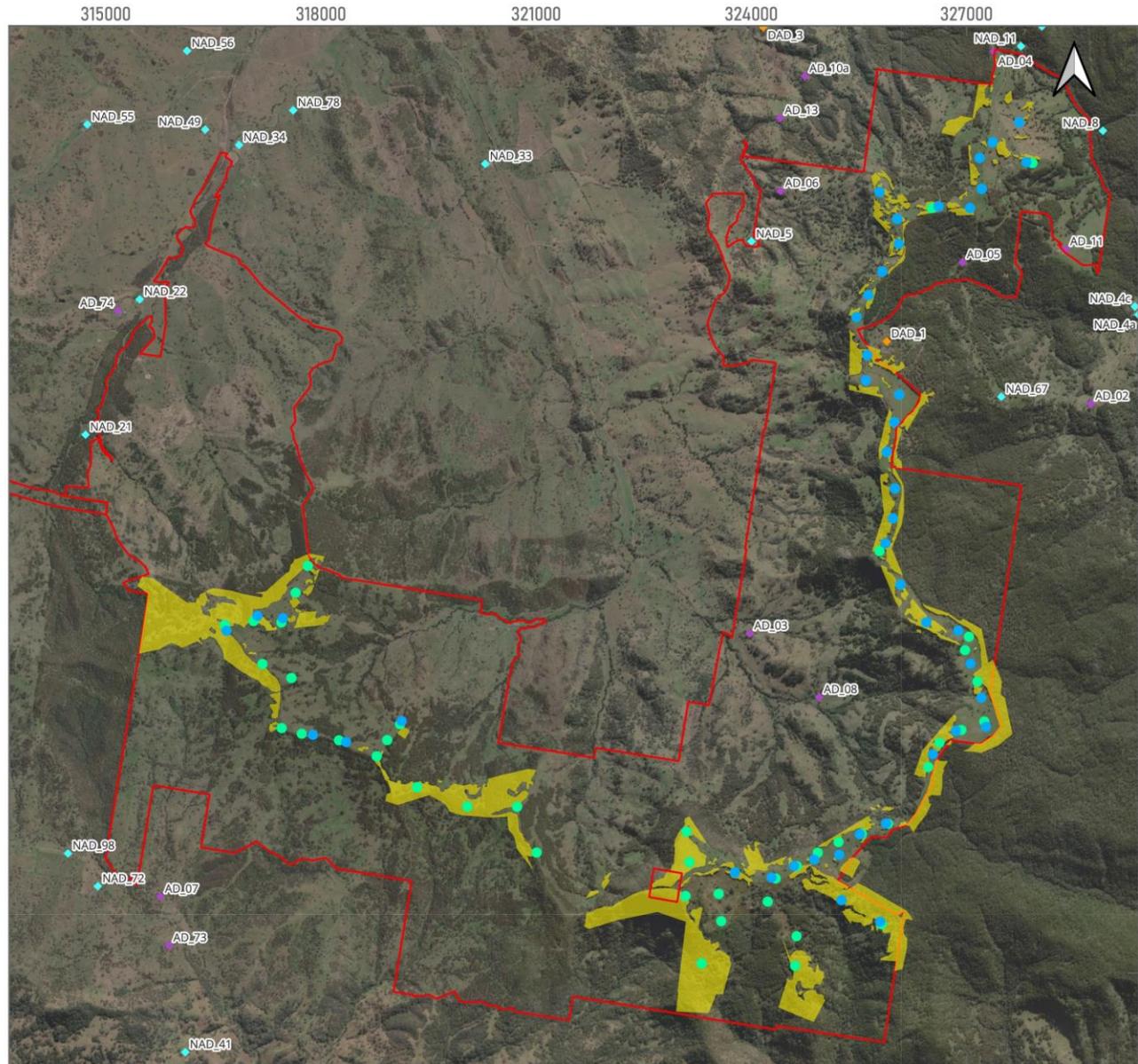
## Hills of Gold Wind Farm Project Development - V3

### Legend

- ▭ Project Area
- WTG Locations**
- Lodged
- Relocated
- 1194 - Snow Gum - Mountain Gum  
Mountain Ribbon Gum open forest
- Dwellings**
- ◆ Associated Dwelling
- ◆ Non Associated Dwelling
- ◆ Development Approved Dwelling

Date: 10/01/2024  
 CRS: GDA94 / MGA zone 56  
 Scale: 1:75000  
 Basemap: ESRI Satellite (2022)  
 Data Sources: NSW Spatial (2023), ELVIS (2023)

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## Design Change Phases

- Scoping Report 2018  
**97 Turbines**
- EIS 2020  
**70 Turbines**
- Project Amendments  
**23 Turbines Relocated**

# History of Impact through Design Change - Turbines

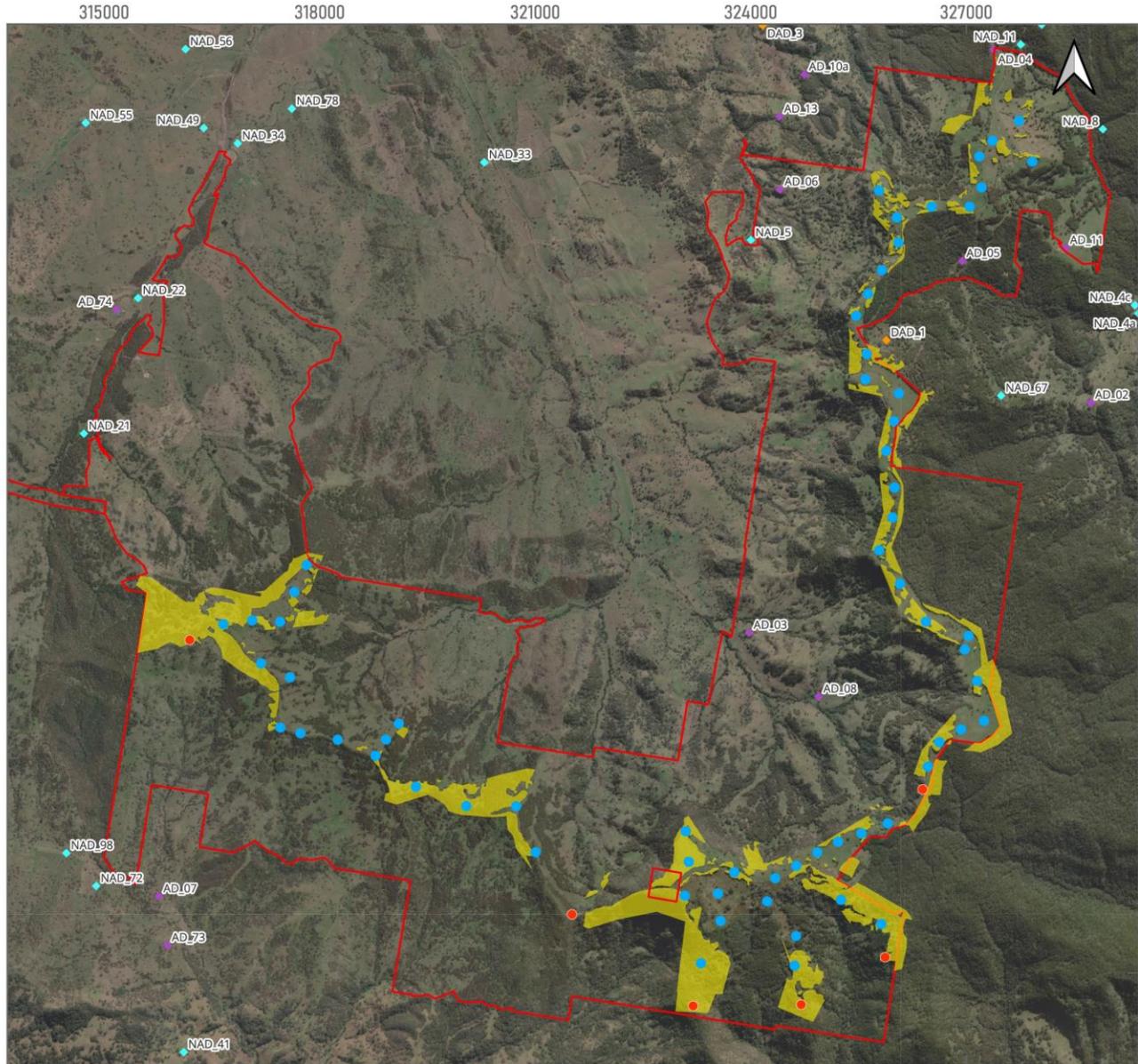


SOMEVA  
RENEWABLES

## Hills of Gold Wind Farm Project Development - V2

### Legend

- Project Area
- WTG Locations**
- Lodged
- Removed
- 1194 - Snow Gum - Mountain Gum  
Mountain Ribbon Gum open forest
- Dwellings**
- ◆ Associated Dwelling
- ◆ Non Associated Dwelling
- ◆ Development Approved Dwelling



## Design Change Phases

- Scoping Report 2018  
**97 Turbines**
- EIS 2020  
**70 Turbines**
- Project Amendments  
**23 Turbines Relocated**
- **6 Turbines Removed**

Date: 10/01/2024

CRS: GDA94 / MGA zone 56

Scale: 1:75000

Basemap: ESRI Satellite (2022)

Data Sources: NSW Spatial (2023), ELVIS (2023)

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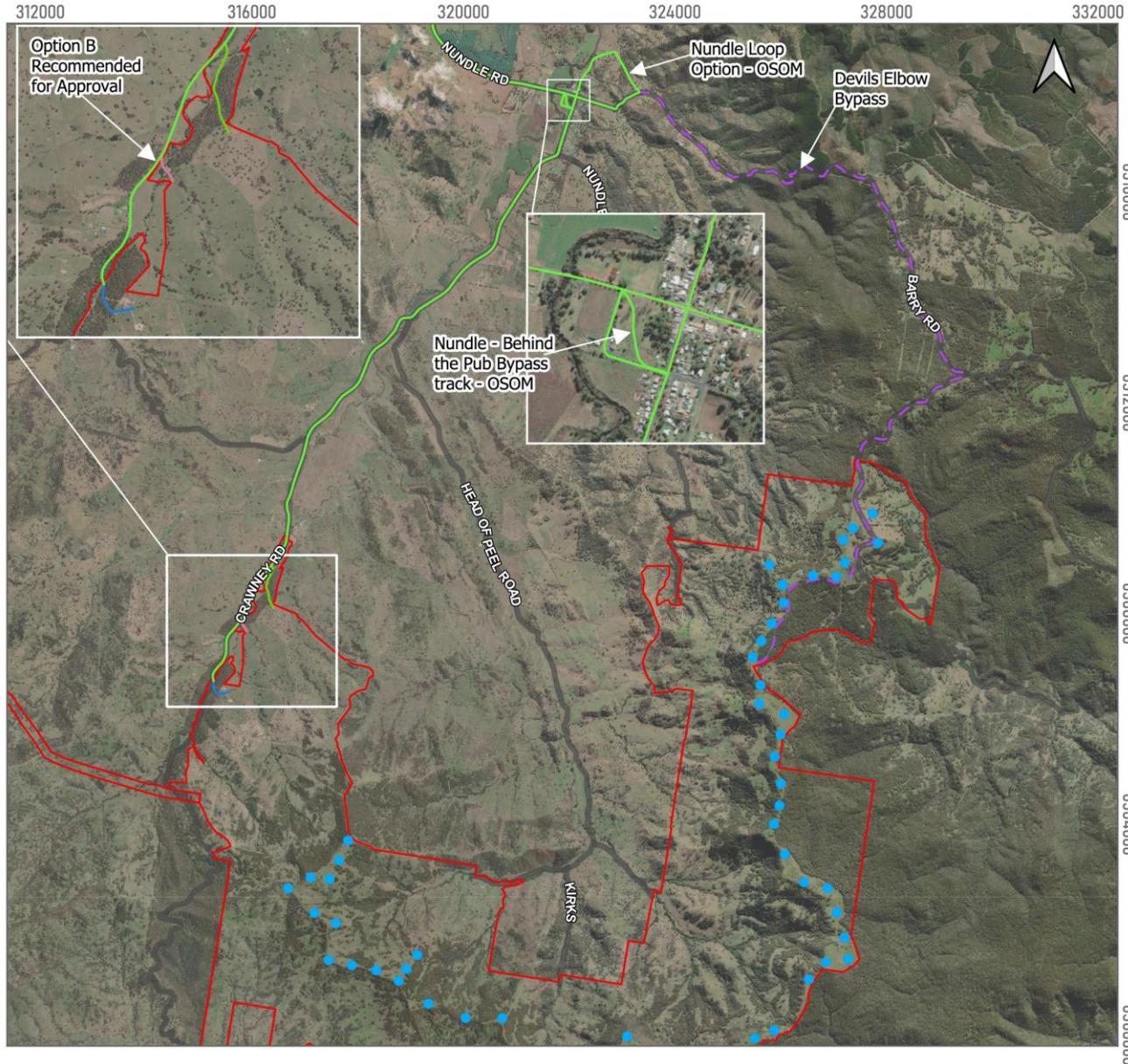
# History of Impact through Design Change - Transport



## Hills of Gold Wind Farm Transport Route - Amendment 2

### Legend

- ▭ Project Area
- WTG Locations
- Transport Routes**
- Morrisons Gap Road - Construction Traffic - OSOM Removed
- Amendment Route - All OSOM
- Site Entrance Turnoff A - OSOM
- Site Entrance Turnoff B - OSOM - Recommended for Approval
- Site Entrance Turnoff C - OSOM



## Design Change Phases

- Project Amendment
- Removed Devils Elbow upgrade
- Included Crawney Road and Nundle Options
- Split Local Traffic Volumes
- Included Site Access Options

Date: 12/01/2024  
 CRS: GDA94 / MGA zone 56  
 Scale: 1:100000  
 Basemap: ESRI Satellite (2022)  
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# DPHI's Assessment Report and Recommended Conditions

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Overall, ENGIE supports the majority of DPHI's assessment report, recommended conditions of consent and additional mitigation measures, including the removal of turbines 24 and 42.

## However, we have significant concerns with DPHI's recommendation:

1. to remove turbines 53–63 based primarily on visual (and noise) impacts to DAD 01, which benefits from a legally flawed and opportunistic complying development certificate (**CDC**) that has not yet been acted on;
2. to remove turbines 9 – 11 based on visual impacts to NAD 72, NAD 98 and NAD 33;
3. to remove turbine 28 based on impacts to biodiversity values through native vegetation clearing; and
4. we disagree with DPHI's position that the project cannot be conditioned to allow for ongoing layout optimisation post-approval and pre-construction (as reflected in the recommended conditions of consent).

# Opportunity for Improved NSW Energy Transition Outcomes

## DPHI recommendation to approve 47 turbines



**115,000**  
homes powered



**458,000**  
tonnes of CO<sub>2</sub>  
emissions reduced p.a



**282 MW**  
renewable energy to  
support NSW 12GW target



**\$174 million**  
benefit to local economy



## Benefits of reinstating project approval to 62 turbines



**+48,000**  
homes powered



**170,000**  
tonnes of CO<sub>2</sub>  
emissions reduced p.a



**+90 MW**  
renewable energy to  
support NSW 12GW target



**+\$53.2 million**  
benefit to local economy

**9%**



decrease in cost of energy if 15  
turbines reinstated

# Location of DAD 01, NAD 05, NAD 33, NAD 67, NAD 72 and NAD 98



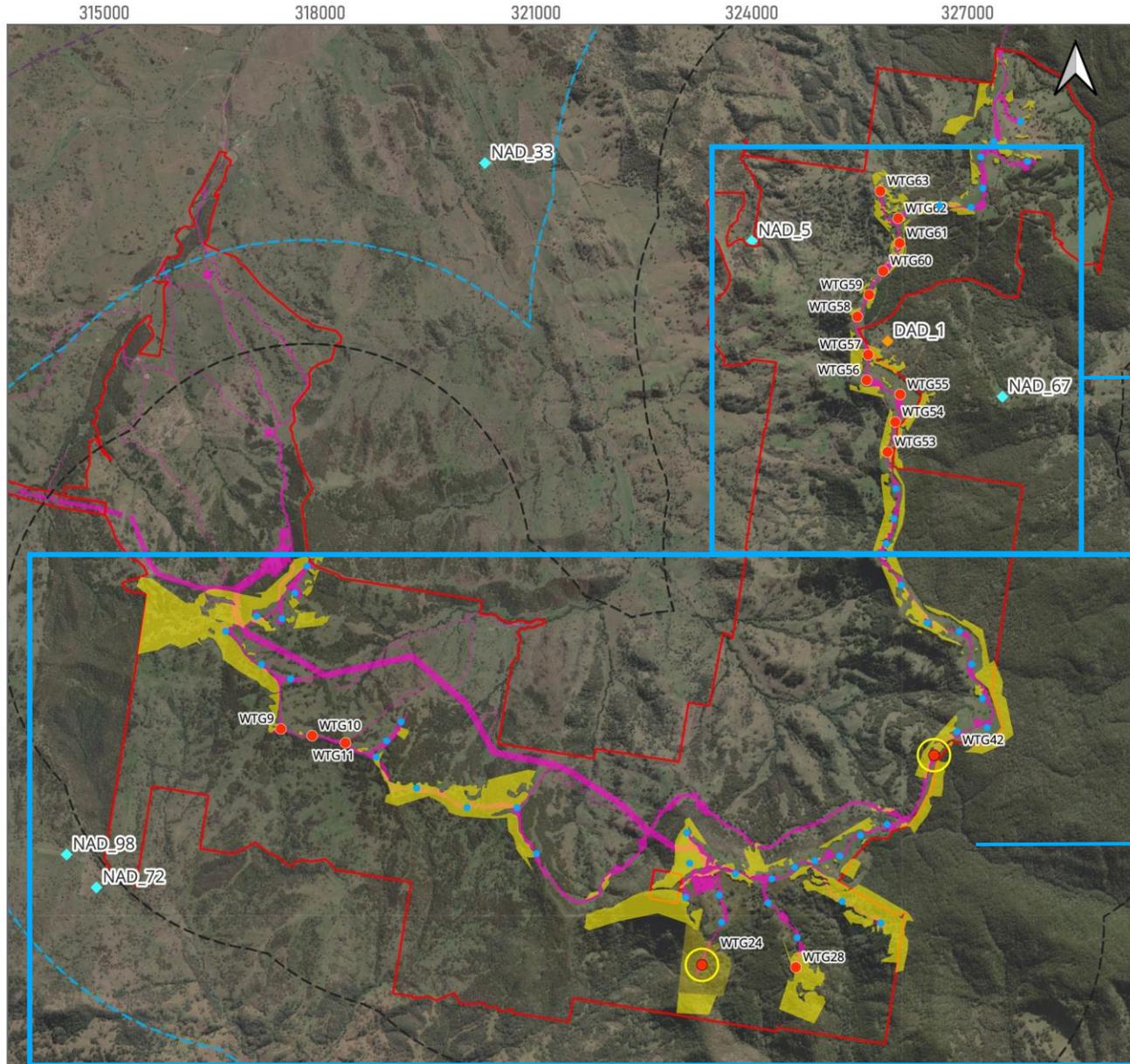
## Hills of Gold Wind Farm DPE Assessment - Key Issues

### Legend

- ▭ Project Area
- WTG Locations**
- Recommended for Approval
- Recommended for Removal
- Accepted Recommended Removal
- Project Infrastructure
- Non Associated Dwelling
- Development Approved Dwelling
- 3100m
- 4550m
- ▭ 1194 - Snow Gum - Mountain Gum  
Mountain Ribbon Gum open forest

Date: 12/01/2024  
 CRS: GDA94 / MGA zone 56  
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**Hanging Rock Cluster**

**Timor Crawney Road Cluster**

# DPHI's flawed approach to visual impact assessment

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ENGIE considers that DPHI's assessment approach to visual impacts is fundamentally flawed from both a technical and legal perspective.

1

DPHI's visual assessment is **technically flawed** and **overstates visual impacts**

2

Even if the technical assessment is accurate, **DPHI has not applied the correct approach to balance visual impacts** against the broader **public interest** in accordance with existing case law

3

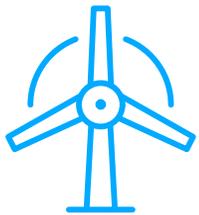
**As a last resort**, if the IPC forms a competing view that DPHI has applied the correct approach to weight impacts, the IPC has a clear power to impose a **voluntary land acquisition condition** instead of deleting turbines

# DPHI's flawed approach to visual impact assessment

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## We request that the IPC:

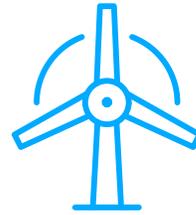
- considers and **form its own view** on visual impacts of the project compared to the broader public interest.
- **reinstates 15 of the 17 turbines** recommended for deletion by DPHI, specifically:



### Hanging Rock Cluster

Reinstate 11 Turbines

T53 – T63



### Timor Crawney Road Cluster

Reinstate 4 Turbines

T9 – T11 and T28

**The IPC is not required to give effect to the recommendations made by DPHI:** *Warkworth Mining Limited v Bulga Milbrodale Progress Associated Inc* [2014] NSWCA 105. For example, the Planning Assessment Commission (as it was then) departed from the Department's recommendations by reinstating turbines for the Rye Park Wind Farm.

If the IPC **does** decide to reinstate 15 of the 17 turbines recommended for deletion, this will ensure that the project realises overwhelming environmental, economic and social benefits.

# Fundamental legal flaw in DPHI's approach to visual assessment

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The existing case law does not support the approach taken by DPHI in balancing the visual impacts on DAD 01, NAD 72 and NAD 98 against other considerations, such as the compelling public interest in the generation of renewable energy.

The correct approach to assessing visual impacts of wind farms was confirmed by Justice Preston (as he was then) of the NSW Land and Environment Court in *Taralga Landscape Guardians Inc v Minister for Planning and RES Southern Cross Pty Ltd* [2007] NSWLEC 59 (**Taralga Decision**) at [128]:

*“Having concluded that one turbine breaching the landscape would be acceptable, it is therefore appropriate to turn to the question of **whether or not the totality** of that which is proposed **is acceptable** or whether it should be modified in some fashion.”*

Preston J stated that: *“[a]s I am satisfied that the presence of at least some turbines in the Taralga village landscape is acceptable, following a path of modification leading to constructive refusal is inappropriate. I have so concluded because to grant a consent, knowing that it was an effective futility, would clearly be contrary to... the **broad public interest in the establishment of viable renewable energy sources**”* at [139].

Adopting this test, Preston J concluded that: *“... the overall public benefits [of renewable energy generation] **outweigh any private disbenefits to the Taralga community and specific landowners**”* at [352].

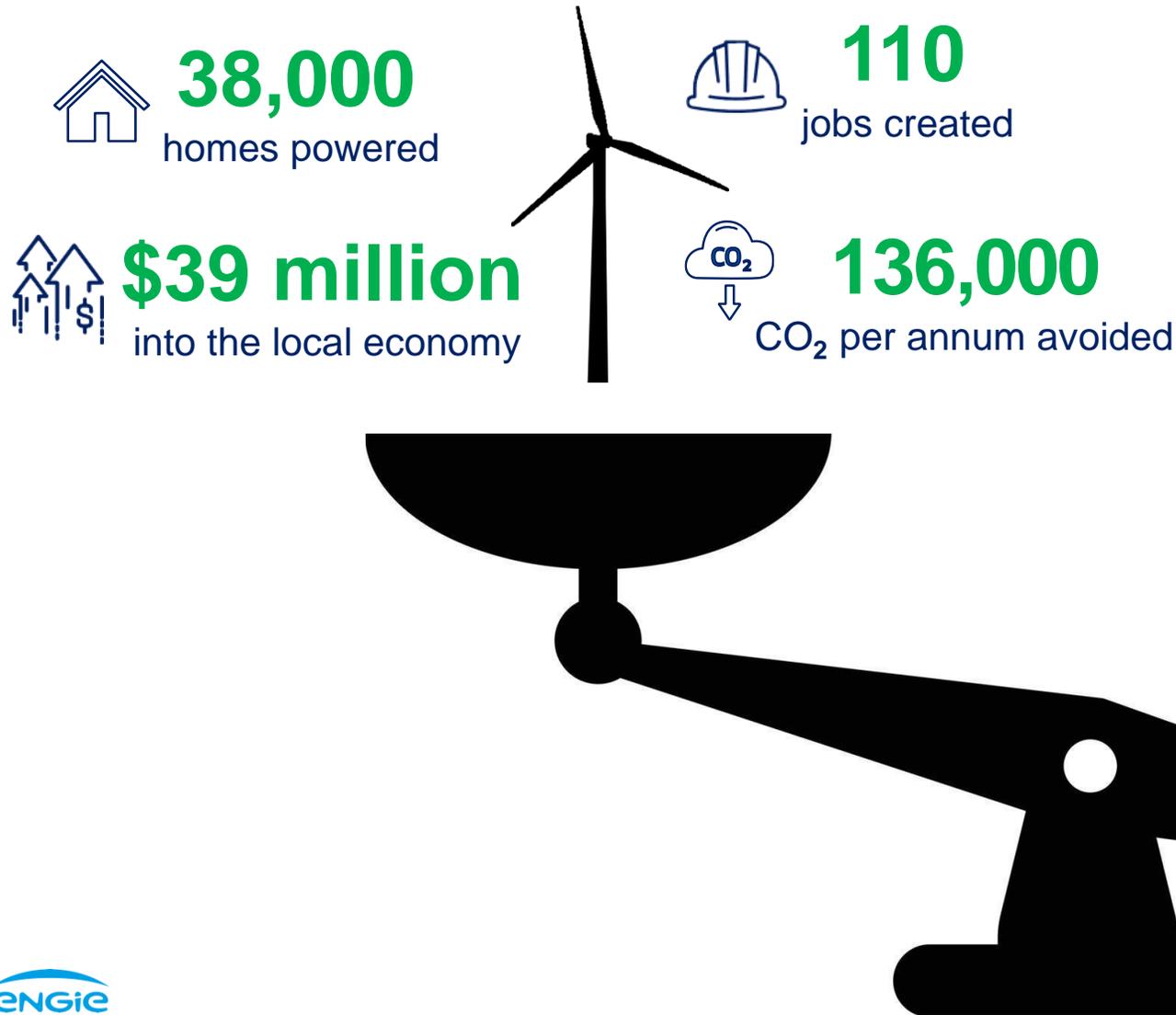
# Fundamental legal flaw in DPHI's approach to visual assessment

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DPHI has given undue weight to overstated visual impacts on an approved dwelling to be located at DAD 01 and paid little regard to the enormous environmental, social and economic benefits to NSW which will result from these 11 turbines being approved.

- Specifically, DPHI stated that the visual impacts from these 11 turbines would be, “... **significant at this location [at DAD 01]** and could not be mitigated through vegetation” and on that basis recommended removal of the turbines.
- We **disagree** that the **visual amenity impacts** from these 11 turbines are significant at DAD 01. However, even if the IPC considers that they are significant, **very little weight ought** to be given to those impacts.
- Impacts to the environment ought to be **assessed at the time** of the determination of the application, and **very little weight** should be attributed to a **CDC** which has **not been commenced** and was **obtained after** the Project was announced (see, e.g. *Tuite v Wingecarribee Shire Council (No 2)* [2008] NSWLEC 321; *Tuite v Wingecarribee Shire Council* [2008] NSWLEC 1315)
- The recommended removal of 11 turbines, due to impacts on a dwelling that does not physically exist at the date of the decision, is an **incorrect weighting of impacts unsupported by applicable case law**. When balanced correctly, the **compelling public interest** in the generation of renewable energy clearly **outweighs** any such **impact**.

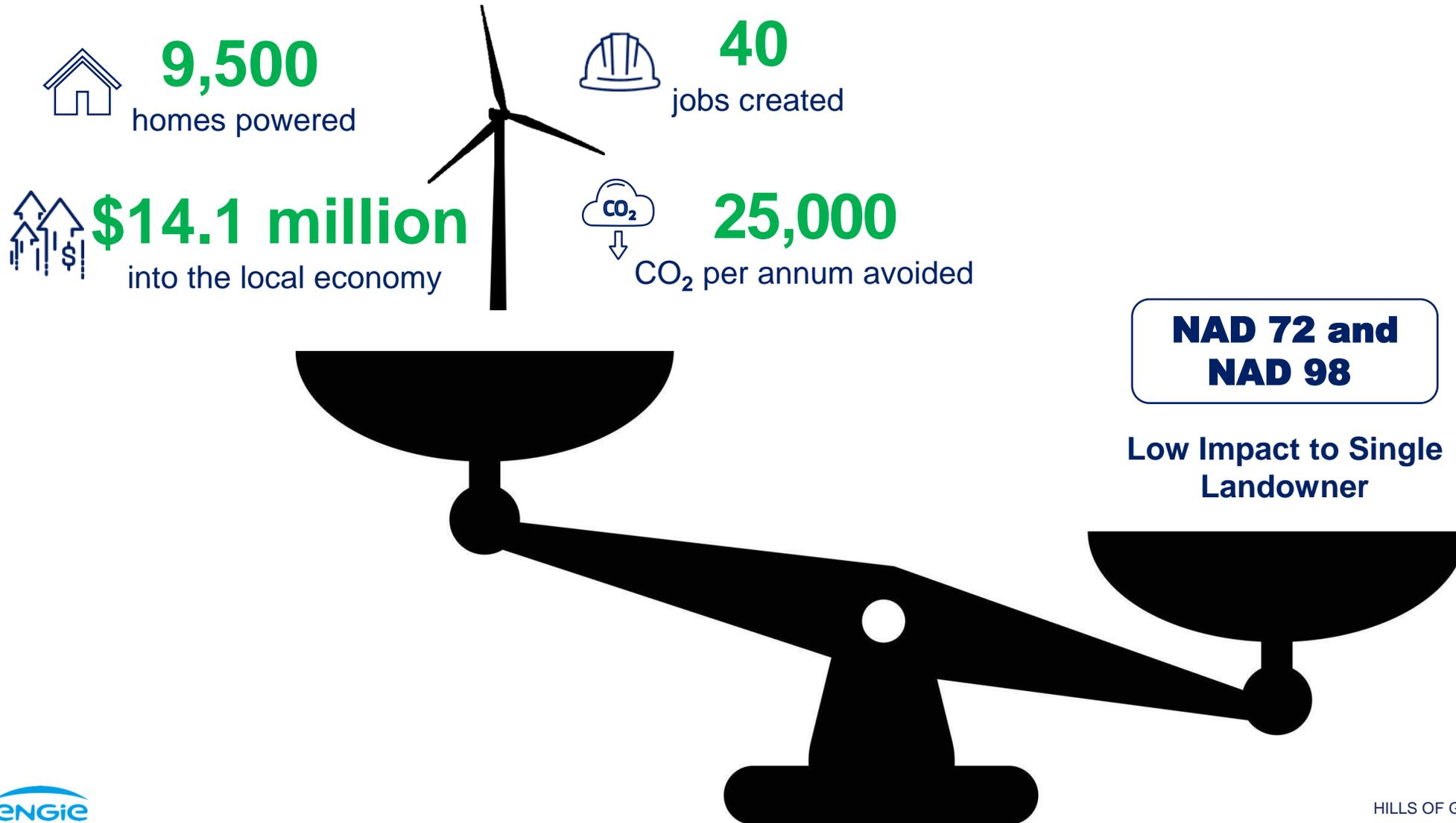
# Weighting of Impacts from 11 Turbines on DAD 01



## DAD 01

- **No existing dwelling**
- **Legally flawed and opportunistically located** Complying Development Certificate (CDC) with a view to **frustrate the Project**
- Development application **previously rejected** by local council
- **Practical issues** that would impact on the buildability of a dwelling on the site
- The CDC has **not been acted on** and there is **no indication it ever will be**

# Weighting of Impacts from 3 Turbines on NAD 72 and NAD 98



# Further Alternative Option

## Voluntary Acquisition Condition

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Even if the IPC forms a view that DPHI has correctly weighted impacts in respect of DAD 01, the IPC has a clear power to impose a voluntary land acquisition condition as a last resort.

- Voluntary land acquisition conditions have been **granted for wind farm projects in the past**, especially in circumstances where visual impacts from turbines are severe and usual mitigation strategies are unavailable.
- Turbine 53–63 are the **most productive turbines** in the project and **highly material** to the commercial viability of the project. DPHI stating that an acquisition condition is “unwarranted” because it would not jeopardise the NSW energy transition is **factually incorrect**.
- The removal of turbines 53–63, despite the overwhelming environmental, economic and social benefits that these turbines would generate, will set a **dangerous industry precedent** for the wind development industry in NSW.

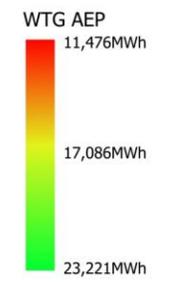
**Accordingly, if the IPC considers that there are significant impacts that cannot be reasonably mitigated, it should follow the approach taken for other wind developments in NSW and grant a voluntary land acquisition condition, instead of adopting DPHI’s recommendation.**

# T53-63 are the highest producing, lowest environmental impact turbines

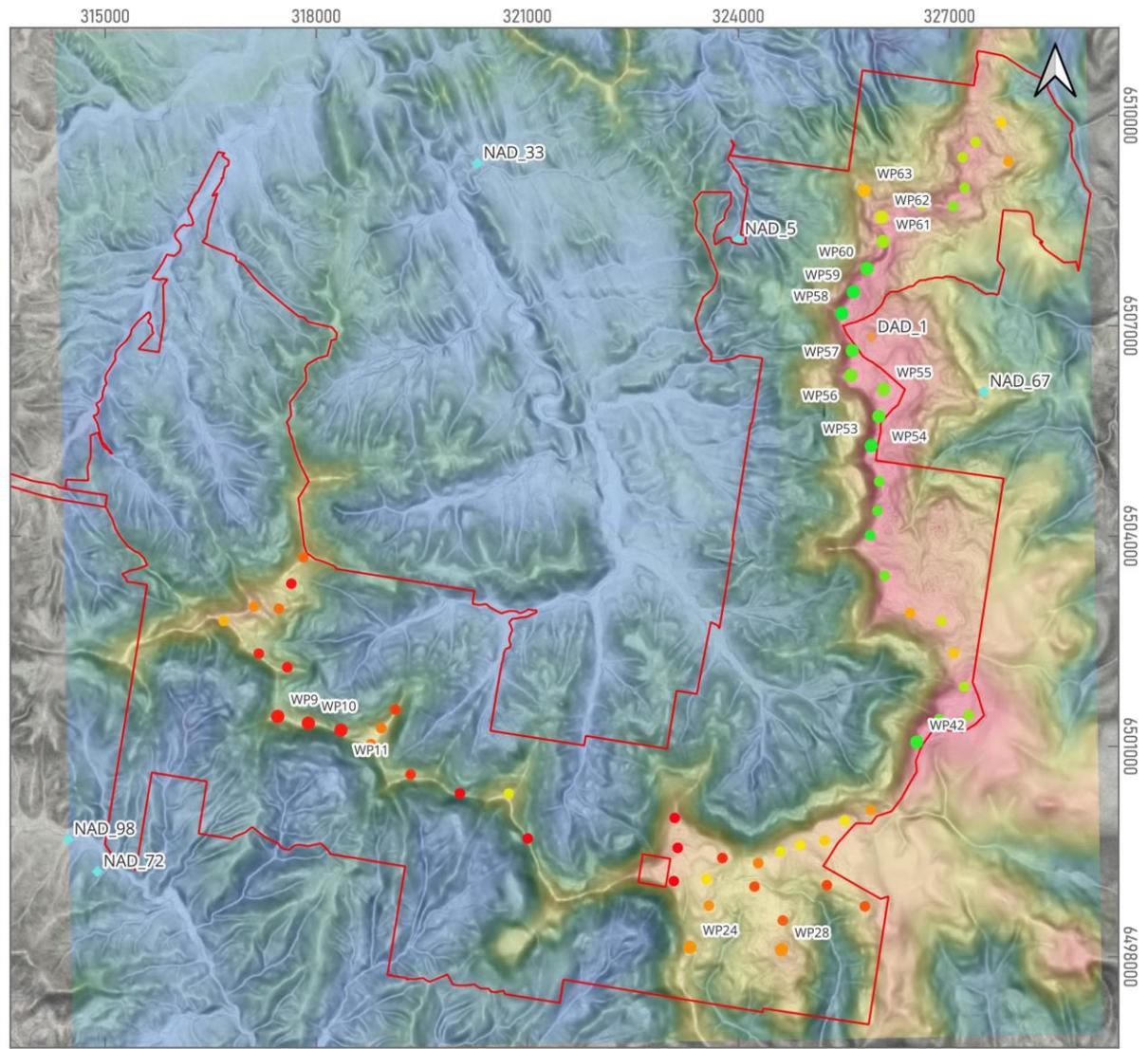
  
**SOMEVA RENEWABLES**  
**Hills of Gold Wind Farm**  
 Turbine Layout - Turbine AEP  
 DPHI Recommended for Approval and Removal

**Legend**

- Project Area
- WTG Locations**
- Recommended for Approval
- Recommended for Removal
- ◆ Non Associated Dwelling
- ◆ Development Approved Dwelling



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- Geographically Finite Opportunity for Feasible Infinite Resource
- T53 - T63 average 22 % higher than the remaining turbines (and provide power for 38,000 more homes per annum)
- T53-T63 are on flat areas of mostly exotic pasture
- Reduces cost of energy
- Increases feasible generation volume

# Biodiversity

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The implementation of the proposed draft condition will generate better biodiversity outcomes than DPHI's recommended condition.

- The *Biodiversity Conservation Act 2016* (NSW) (**Biodiversity Conservation Act**) and the regime it creates does not prevent a proponent of State significant development from re-baselining biodiversity credit offset liabilities following detailed design and before construction.
- The relevant requirement for State significant development under the Biodiversity Conservation Act is contained in section 7.14(4), which states that a condition to retire biodiversity credits must be complied with *before any development is carried out that would impact on biodiversity values*.
- The design intent of the proposed condition is to allow updated baseline mapping following detailed design and **prior to construction** (therefore, before any development is carried out).
- Such an approach aligns with section 7.14(4) of the Biodiversity Conservation Act and is otherwise consistent with general market practice (see, e.g., conditions of consent for Ungula Wind Farm granted on 7 May 2021).

# Biodiversity

## Proposed Draft Condition

### Biodiversity Offsets

*Prior to commencing construction, unless the Planning Secretary agrees otherwise, the Applicant may:*

- a. update the baseline mapping of the vegetation and key habitat within the development corridor; and*
- b. calculate the biodiversity offset credit liabilities for the final disturbance footprint in accordance with the Framework for Biodiversity Assessment under the NSW Biodiversity Offset Policy for Major Projects, in consultation with BCS, and to the satisfaction of the Planning Secretary.*

*B22. Prior to commencing construction, the Applicant must retire the biodiversity credits unless the Planning Secretary agrees otherwise.*

...

## DPHI's Recommended Condition

### Biodiversity Offsets

*B24. Prior to carrying out any development that could directly or indirectly impact the biodiversity values requiring offset, the Applicant must retire biodiversity credits of a number and class specified in Table 5-1 and 5-2 of Appendix 5, unless the Planning Secretary agrees otherwise.*

...



Photomontage from Nundle Township

## Residents and Visual Context

- Nundle Village is located in excess of 8 km northwest of the nearest turbine. Project has very limited visibility from the town.
- Lifestyle lots associated with Hanging Rock have limited visibility of the Project due to topography and vegetation.
- Design development has occurred and iterations made to the layout based on visual analysis, direct engagement with community.
- Existing commercial landscape used for forestry and grazing, long term residents have relied upon landscape for income

# Residents and Visual Context

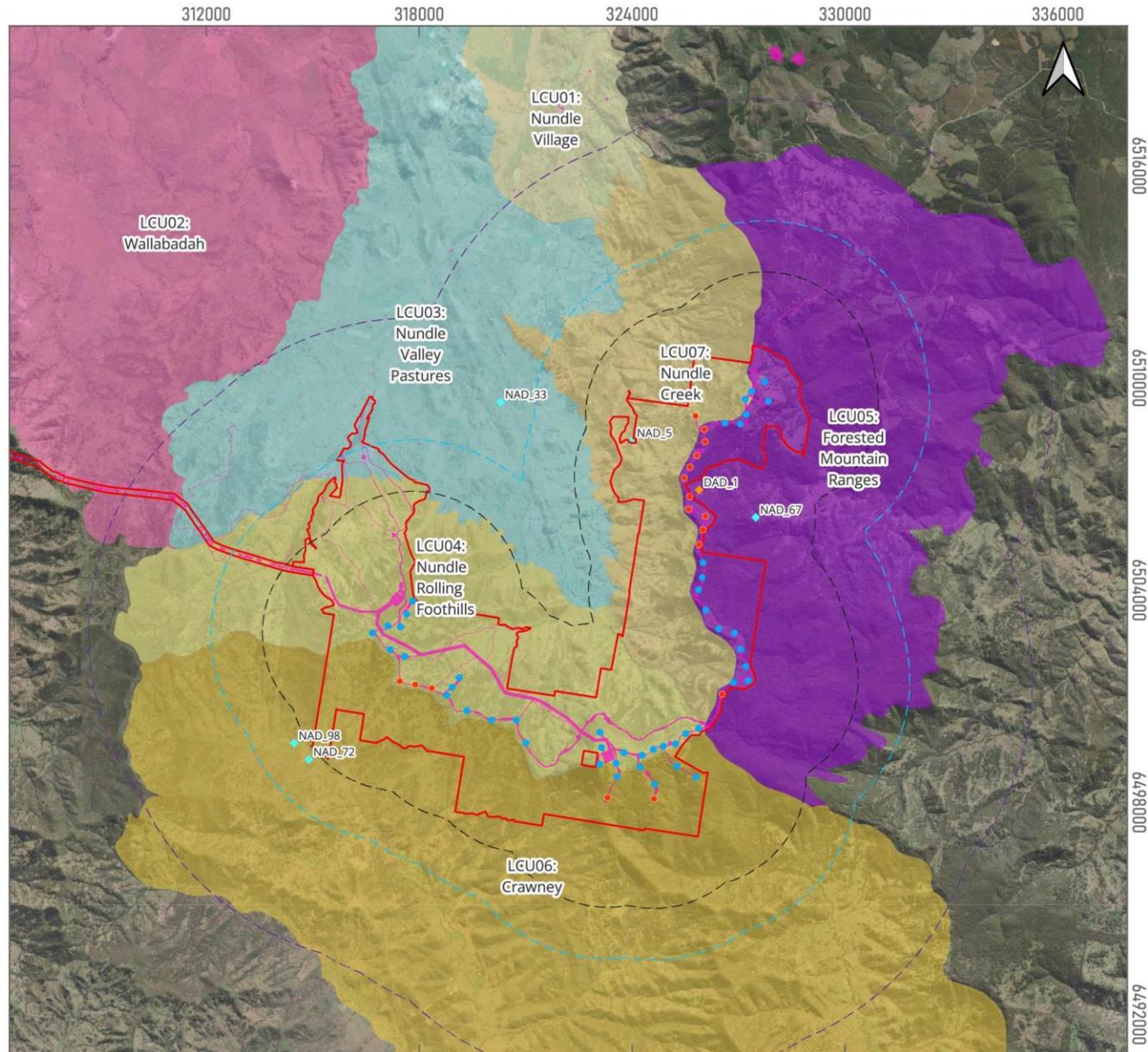


**SOMEVA**  
RENEWABLES

## Hills of Gold Wind Farm Landscape Character Units

### Legend

- Project Area
- WTG Locations**
- Recommended for Approval
- Recommended for Removal
- 3100m
- 4550m
- 8000m



Date: 11/01/2024

CRS: GDA94 / MGA zone 56

Scale: 1:150000

Basemap: ESRI Satellite (2022)

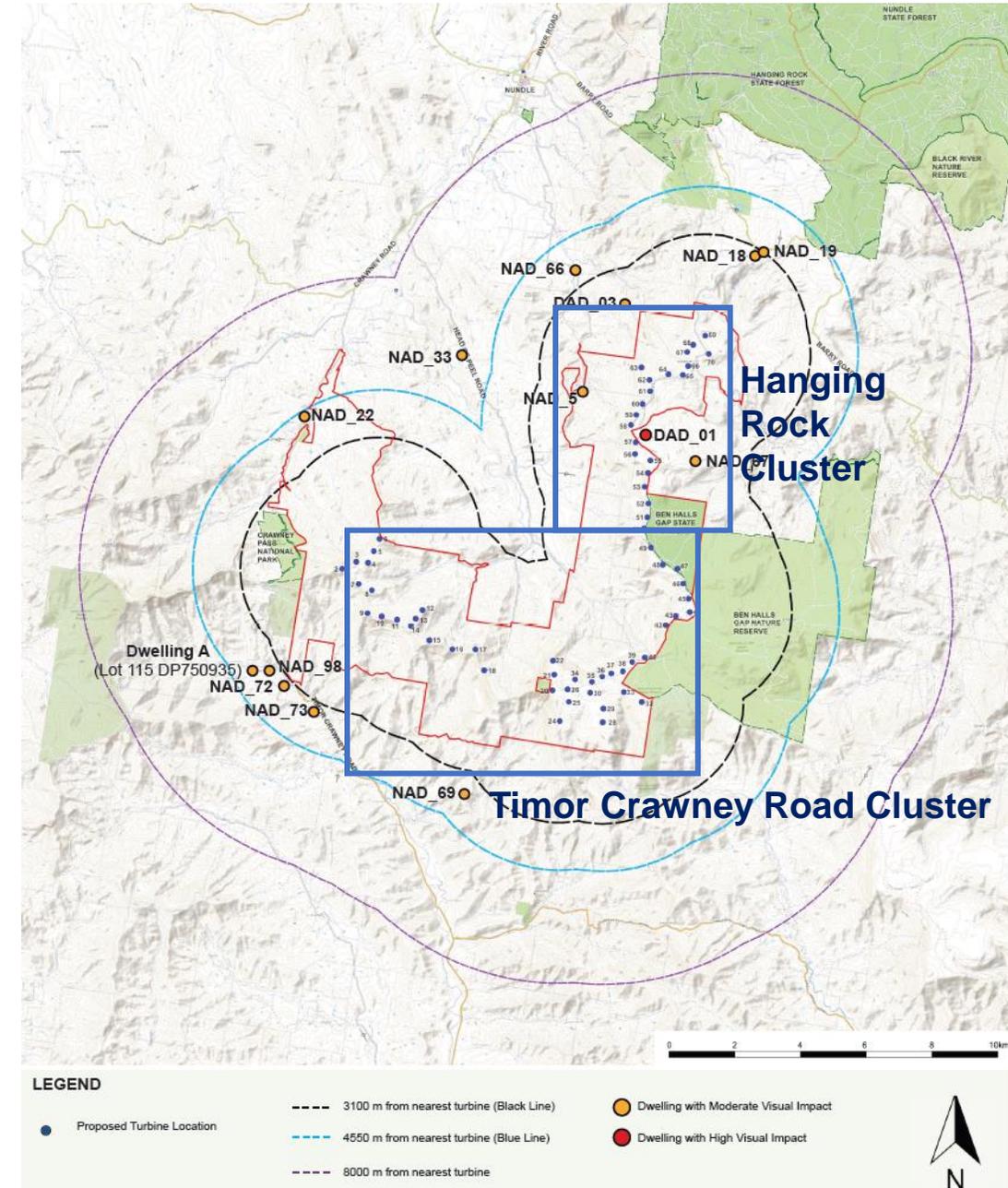
Data Sources: NSW Spatial (2023), ELVIS (2023)

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# Residents and Visual Context

- Dwellings assessed as having High-Moderate Impact affecting turbines sought for reinstatement
- All these dwellings or Development Approvals are assessed to have Low Impact following mitigations (visual screening) except DAD1

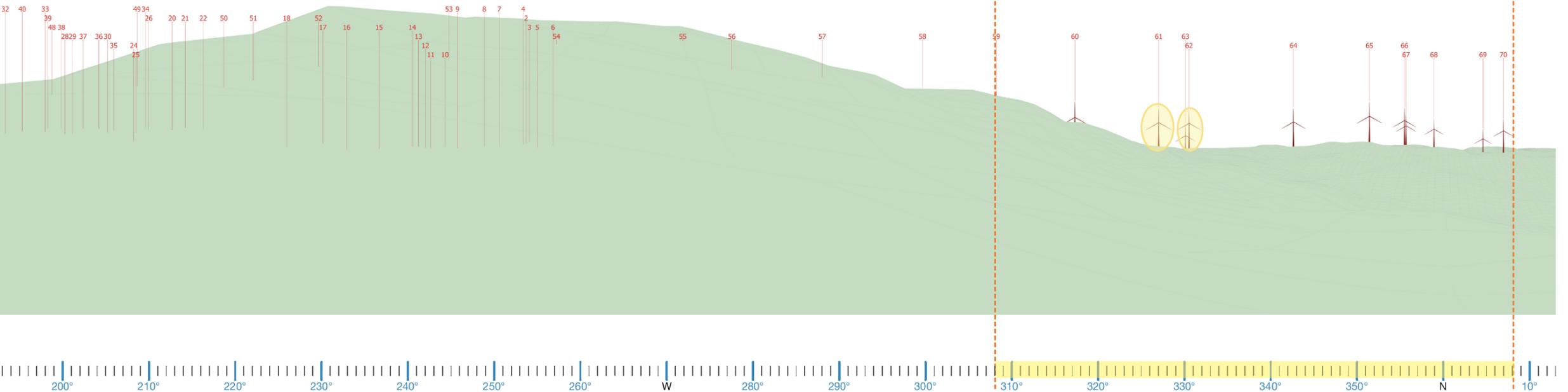
Dwelling	Visual Impact Rating (without mitigation)	Vegetation Planting Timeframe	Post Planting Visual Impact Rating
DAD1	High	Moderate	5 - 10 years
NAD5	Moderate	Low	2 - 5 years
NAD67	Moderate	Low	5 - 7 years
NAD72	Moderate	Low	7 - 10 years
NAD98	Moderate	Low	5 - 10 years



# DPHI Assessment Review

## Hanging Rock Cluster – NAD 67

- No access granted to undertake an assessment from NAD 67
- Turbines only visible within one sector
- Low Visual Impact with Visual Screening within 5 - 7 years

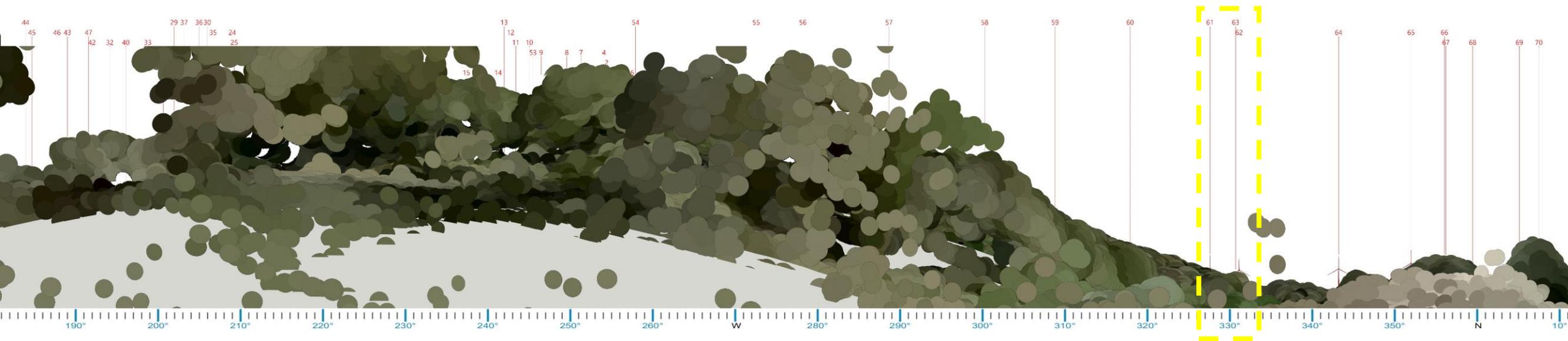


# DPHI Assessment Review

## Hanging Rock Cluster – NAD 67

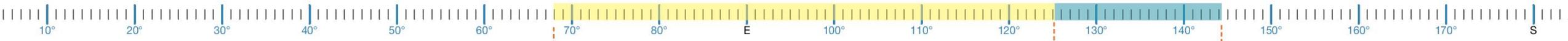
- Revised wireframe produced using LiDAR data
- Demonstrates turbines well screened with existing vegetation and likely effectiveness of further screening
- Turbines don't dominate the landscape

Partially visible turbines proposed for removal



# DPHI Assessment Review – Hanging Rock Cluster – NAD 5

Turbines recommended for removal by DPHI



- Turbines visible within one sector
- Low Visual Impact with Visual Screening within 2 - 5 years (noting error in DPHI Assessment stating 10 years)

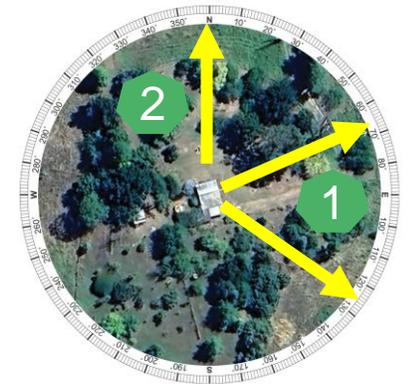


Photomontage (above) taken from east side of house, secondary view.



Primary views to the north, house is orientated with outlook over Nundle Creek Valley.

Opportunity to screen views to the project whilst maintaining desirable views.

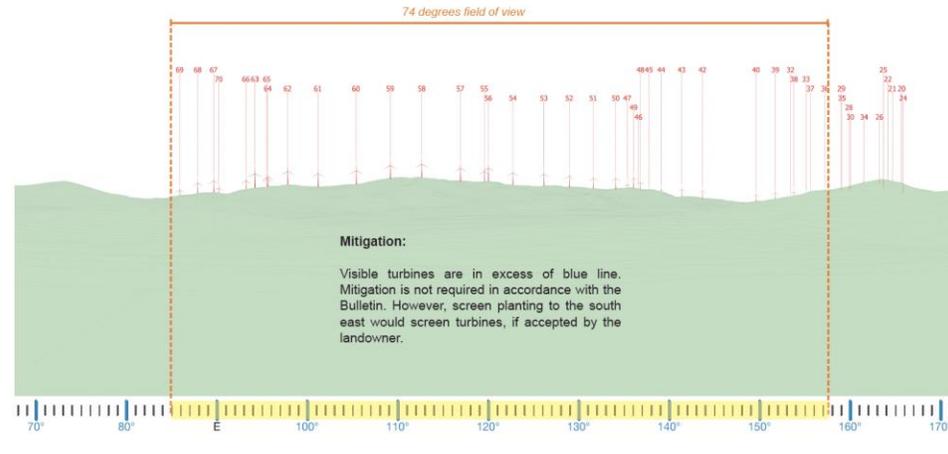


# DPHI Assessment Review

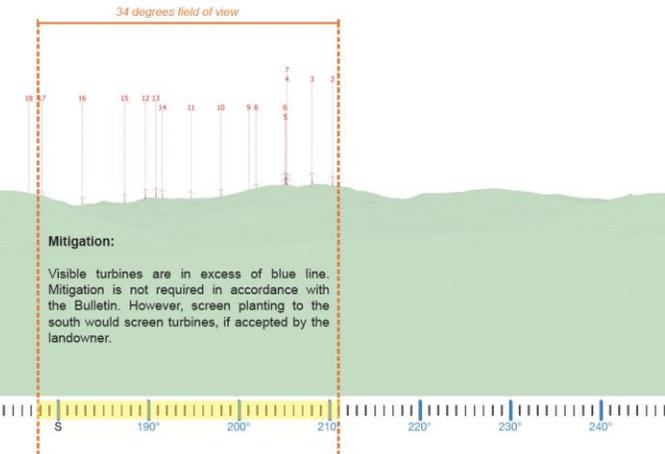
## Hanging Rock Cluster – NAD 33

- Turbines visible within two sectors after existing intervening vegetation
- Low Visual Impact with Visual Screening within 5 -10 years
- Primary view from house is NNE
- Photomontage produced from E to SSW in Secondary
- Performance objectives set out in Bulletin are met:
  - All turbines in excess of blue line
  - less than three (3) 60 degree sectors when considering vegetation screening
- DPHI states: “turbines dominate the landscape” and deleting turbines to address DAD01, NAD05, NAD67, NAD72 and NAD98 also benefits.
- Moir LA view that turbines do not dominate the landscape.
- Views are generally distant (in excess of the blue line) and are fragmented by vegetation to the east and south.

### Nearest Turbines Proposed for Removal >5.5km



### Nearest Turbines Proposed for Removal > 8km



Existing View | 180 degree Baseline Panorama



# DPHI Assessment Review

## Timor Crawney Road Cluster NAD 72 and 98

### Dwelling NAD 72

- DPHI state turbines dominate the landscape however visible within 1 x 60 degree sector
- Low Visual Impact with Visual Screening within 7 - 10 years
- Nearest turbine is 3.4km - in excess of black line

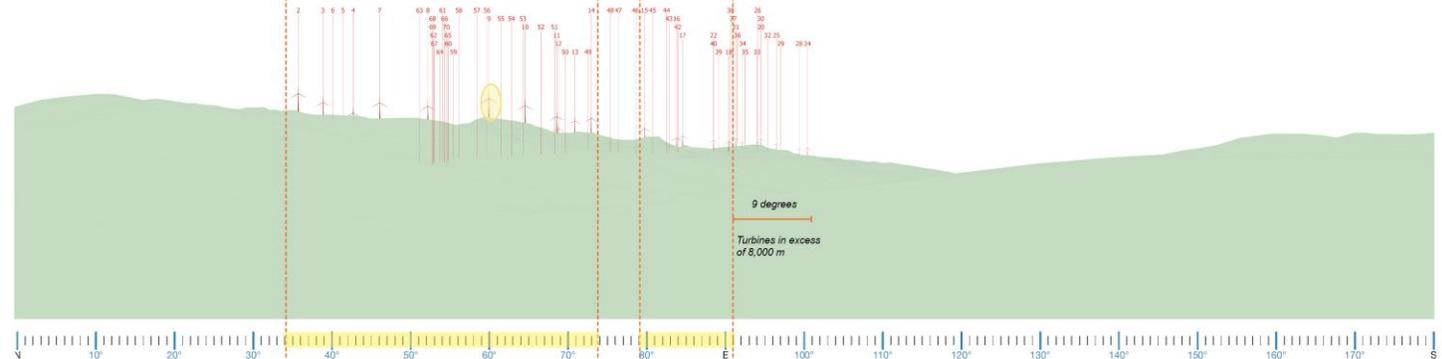
T9, 10 & T11 recommended for removal



### Dwelling NAD 98

- DPHI state turbines dominate the landscape however visible within 1 x 60 degree sector
- Low Visual Impact with Visual Screening within 5 - 10 years
- Nearest turbine is 3.5km - in excess of the black line

T9 recommended for removal



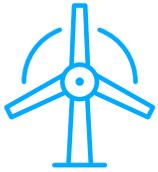
# Proposal for IPC Consideration

## Weighting Benefits

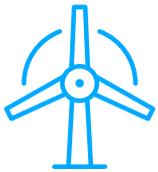
**9%**



decrease in cost of energy  
if 15 turbines reinstated



**11 Turbines in  
Hanging Rock  
Cluster**



**4 Turbines in  
Timor Crawney  
Road Cluster**



Homes Powered

**48,000  
homes**



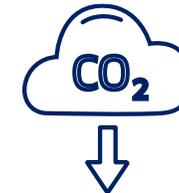
Jobs Created

**151  
jobs**



Local Economy  
Local Wages and Profit

**\$53.2  
million**



Greenhouse Gas  
Emissions

**170,000  
tonnes**



# Appendices

# Recommended Removal of Turbines 24 and 42

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## DPHI has recommended:

- The removal of turbine 24 due to visual impacts on the dwelling located at NAD 69 and biodiversity impacts.
- The removal of turbine 42 due to impact zone overlap into Ben Halls Gap Nature Reserve.

## ENGIE is prepared to accept this on the basis:

- of the assessment and the lower than average benefit these turbines provide due to lower wind speeds and energy yield;
- higher biodiversity impacts than other turbines on average (T24 is the higher impact to Snow Gum (1.9ha vs 1.5ha);
- opportunity to increase wildlife corridor between WTG 43 and 40 by an additional 400m to 1.5km; and
- challenges to site turbine 42 further away from Ben Halls Gap Nature Reserve due to terrain.

# Sample voluntary acquisition condition

## 1) ACQUISITION UPON REQUEST

- For a period of 5 years from the commencement of construction of any of the applicable wind turbines, the owner of land listed in Table 1 may request the Applicant to acquire their land.
- Upon receiving a written request from this owner, the Applicant must acquire the land in accordance with the procedures in conditions 2 and 3 (below for reference).
- However, this condition does not apply if the Applicant has an agreement with the owner of the relevant land in regard to the visual impacts associated with the development, and the Applicant has advised the Department in writing of the terms of this agreement.

**Table 1: Residence subject to acquisition upon request**

Residence	Lot / DP	Applicable Wind Turbines
DAD 01	[XX]	53 – 63
[XX]	[XX]	[XX]

# Sample voluntary acquisition condition

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## LAND ACQUISITION

1. Within 3 months of receiving a written request from an owner with acquisition rights, the Applicant must make a binding written offer to the owner based on:

**(1) the current market value of the owner's interest in the land at the date of this written request, as if the land was unaffected by the development, having regard to the:**

- existing and permissible use of the land, in accordance with the applicable environmental planning instruments at the date of the written request; and
- presence of improvements on the land and/or any approved building or structure which has been physically commenced at the date of the owner's written request, and is due to be completed subsequent to that date, but excluding any improvements or reasonable costs that have resulted from the implementation of the visual impact mitigation measures in condition X;

**(2) the reasonable costs associated with:**

- relocating within the local government area, or to any other local government area determined by the Planning Secretary; and
- obtaining legal advice and expert advice for determining the acquisition price of the land, and the terms upon which it is to be acquired;

**(3) reasonable compensation for any disturbance caused by the land acquisition process.**

However, if after 1 month of the owner receiving the binding written offer above, the Applicant and owner cannot agree on the acquisition price of the land and/or the terms upon which the land is to be acquired, then either party may refer the matter to the Planning Secretary for resolution.

# Sample voluntary acquisition condition

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Upon receiving such a request, the Planning Secretary must request the President of the NSW Division of the Australian Property Institute to appoint a qualified independent valuer to:

- consider submissions from both parties;
- determine a fair and reasonable acquisition price for the land and/or the terms upon which the land is to be acquired, having regard to the matters referred to in 2(1) to (3) above;
- prepare a detailed report setting out the reasons for any determination; and
- provide a copy of the report to both parties.

Within 14 days of receiving the independent valuer's report, the Applicant must make a binding written offer to the owner to purchase the land at a price not less than the independent valuer's determination.

If the owner refuses to accept the Applicant's binding written offer under this condition within 3 months of the offer being made, unless the Planning Secretary determines otherwise, then the Applicant's obligations to acquire the land shall cease.

3. The Applicant must pay all reasonable costs associated with the land acquisition process described in condition 2 above, including the costs associated with obtaining council approval for any plan of subdivision (where permissible), and registration of this plan at the Office of the Registrar-General.

# Sample voluntary acquisition condition – Rye Park Wind Farm

## ACQUISITION UPON REQUEST

1. For a period of 5 years from the commencement of construction of any of the applicable wind turbines, the owner of the land listed in Table 1 may request the Applicant to acquire their land.

Upon receiving a written request from this owner, the Applicant must acquire the land in accordance with the procedures in conditions 2 and 3 of schedule 4.

However, this condition does not apply if the Applicant has an agreement with the owner of the relevant land in regard to the visual impacts associated with the development, and the Applicant has advised the Department in writing of the terms of this agreement.

*Table 1: Residence subject to acquisition upon request*

<b>Residence</b>	<b>Lot/DP</b>	<b>Applicable Wind Turbines</b>
R38	49/754136	62, 67, 71 – 76, 78, 141
	104/754136	
-	75/754136	146, 147, 148, 149

*Note: To identify the residence and wind turbines referred to in Table 1, see the applicable tables and figures in Appendix 2.*

# DPHI Assessment Review

## Hanging Rock Cluster – DAD 1

