

Chapter 15 – Rural Residential Character

Where the developer continues to ignore the undeniable

The letter of rejection for the first Jupiter EIS said that the:

“EIS contains insufficient consideration of.....the suitability of the site, paying particular attention to the growing rural-residential character of the surrounding area”

Outgoing Palerang Mayor, Pete Harrison, summed it up beautifully as he chaired the final meeting of the Palerang Rural Lands Strategy committee on August 18, 2016.

"Whilst supportive of wind farms, it was not council's intent to have wind farms in areas of rural residential character"

and describing the many residences surrounding the proposed Jupiter wind farm as:

"rural residential character in a rural environment"¹

Tim Overall, the Administrator of Queanbeyan Palerang Regional Council recently confirmed that the policy of the merged councils had not changed.²

Mindful of the wording in the rejection letter, ERM heads section 4.5.8 of the EIS “Rural Residential Character” and then immediately confuses the character of the area with a zone or rating category called “Rural Residential”.

Either they are deliberately attempting to confuse, or more likely, do not understand the difference. So they lead with:

“The *Local Government Act 1993* defines rural residential land as land that ‘*is not less than 2 hectares and not more than 40 hectares in area*’.

This definition in the Act is solely for the purpose of defining into which rating category a property falls.

Then:

“Land within and immediately adjacent to the PA that is located within the former Palerang LGA, is predominantly zoned ‘RU1 Primary Production’ with minimum lot size of either 40 ha or 80 ha under the Palerang LEP 2014. With the exception of a small parcel of land to the northwest of the PA, land within and surrounding the PA that is located within the Goulburn Mulwaree LGA, is zoned with minimum lot size of 100 ha under the Goulburn Mulwaree LEP 2009, and therefore does not currently facilitate rural residential development. “

Who said anything about zoning and lot sizing? We never did. Mayor Harrison never did. The Department never did.

Minimum lot sizes can change at the drop of a hat.

When there is enough pressure from older “farmers” whose only choice to extract retirement funds from their investment is to subdivide (or flirt with wind farms), then lot sizes will change.

My subdivision, Barnet, with which all should be familiar, was developed when the minimum lot size was 40 ha, so all 20 lots (excluding the concessional), are just **over** 40 ha.

¹ Notes taken by the author at the meeting.

² Email to a community member

According to ERM's line of argument, they are not rural residential properties. (Mr Eid from EPYC, unsuccessfully tried the same argument at a CCC meeting)

If you could only buy properties with a minimum lot size of 100 ha, then that is what we lifestylers would buy.

There are many existing properties surrounding the Jupiter Project Area that have residential rights including those in the existing subdivisions. There are two in our subdivision, both exactly zero kilometers from the Jupiter Project Area, which have been ignored in the EIS, together with many more elsewhere.

How this has been allowed to happen will eventually come out. My guess is that the Department has told the Jupiter developer to only consider properties with an approved DA. Then again I've been wrong before.

So I ask the Department. Why have the Jupiter developer and their consultants not addressed properties with residential rights as required by the Jupiter SEARs?

These properties with residential rights will add to the rural residential character of the region once the Jupiter wind farm DA has been rejected. For now, the DA has stopped development dead in its tracks as can be seen by the lack of residential DAs. (ERM failed, of course to consider this in their one-sided assessment of economic impacts. That's for another chapter if we have the time)

We are then told:

“Consideration of the current published strategies at the regional and local level relating to current issues and ongoing management of rural and rural residential lands in the region, including potential for future subdivision of larger lots for rural-residential purposes is provided below.”

So, instead of addressing the Department's carefully chosen words in the letter of rejection, they set out to prove that the area around the Jupiter wind farm is not rural residential and in the future can never be, by this spurious confusion of character with zoning, rating and lot sizes. They talk only about the future and not the already existing substantial rural residential nature of the Jupiter surrounds.

They didn't address the issue as required by the Department because they cant.

Tellingly in their reasoning for site selection for the Jupiter wind farm they say:

“A suitable wind farm site is generally considered to exhibit the following key characteristics:

- consistently high wind speeds;
- connection to the national electricity grid in close proximity to the wind farm site;”

and

“• large land parcels consisting of low levels of residential development”

They follow that by describing why the Jupiter site was chosen. They obviously included a “favourable wind resource” and “an existing 330 kV transmission line”

Nowhere did they make any reference to residential development, low level or otherwise. Because they couldn't.

By their definition of site characteristics, the Jupiter site should have been rejected.

Nowhere did they consider the multiplier effect. It is still only one wind farm, but it is surrounded by over 250 non-associated rural residences within 5 kms of a turbine. This imbalance, unique for a NSW wind farm, imposes cumulative visual impacts, noise impacts, EMI and EMF, traffic and a whole range of others. All too hard for Epyc and its consultants.

Rural residential for us is a description of our recently chosen lifestyle. We now live in the country. Epyc's failure to understand this and the people we are and our backgrounds has already caused them so much grief, with, if necessary, much more to come.

The DA should be rejected on this issue alone.